

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NEWPORT NEWS DIVISION

BOBBY BLAND, DANIEL RAY CARTER, JR.,
DAVID W. DIXON, ROBERT W. McCOY,
JOHN C. SANDHOFER, and
DEBRA H. WOODWARD,

Plaintiffs,

CASE NO.
4:11-CV-45

v.

B.J. ROBERTS, individually and in
his official capacity as Sheriff of
the City of Hampton, Virginia,

Defendant.

DEPOSITION UPON ORAL EXAMINATION
OF ROBERT T. McGEE,
TAKEN ON BEHALF OF THE PLAINTIFFS

Virginia Beach, Virginia

October 11, 2011

Appearances:

PATTEN, WORNOM, HATTEN & DIAMONSTEIN, L.C.
By: JAMES H. SHOEMAKER, JR., ESQUIRE
Counsel for the Plaintiffs

PENDER & COWARD
By: JEFF W. ROSEN, ESQUIRE
Counsel for the Defendant

<p style="text-align: right;">2</p> <p style="text-align: center;">I N D E X</p> <p>DEPONENT EXAMINATION BY PAGE</p> <p>ROBERT T. McGEE Mr. Shoemaker 3,87</p> <p> Mr. Rosen 81</p> <p style="text-align: center;">EXHIBITS</p> <p>NO. DESCRIPTION PAGE</p> <p>15 6/8/11 memo to Sheriff B.J. Roberts from April L. Borrero; ROBERTS 026-027</p>	<p style="text-align: right;">4</p> <p>try to remember to do the same thing, to wait until you're finished speaking before I ask my next question. The reason for that is we're bound at some point in this deposition to talk over top of each other and that causes the record to get jumbled up. She can't take that down. So we both have to wait until the other is finished.</p> <p>Also, you have to verbalize your answers.</p> <p>You can't say "uh-huh" and "uh-uh" and you can't nod your head because she can't take that down. So you have to remember to verbalize your responses.</p> <p>Are you under any conditions or medications here today that would affect your ability to understand my questions and to answer them fully?</p> <p>A. No.</p> <p>Q. Okay. I represent the plaintiffs, Bobby Bland, Debra Woodward, Robert McCoy, John Sandhofer, David Dixon, and Danny Carter, who have filed a lawsuit in United States District Court against Sheriff B.J. Roberts for various First Amendment violations. That's what we're here on today.</p> <p>Could you state your full name for the record, please?</p> <p>A. Robert Timothy McGee.</p> <p>Q. And, Captain McGee, would you give us your</p>
<p style="text-align: right;">3</p> <p>Deposition upon oral examination of ROBERT T. McGEE, taken on behalf of the Plaintiffs before Juanita Harris Schar, RMR, CCR, CRR, a Notary Public for the Commonwealth of Virginia at large, commencing at 10:20 a.m., on October 11, 2011, at the law offices of Pender & Coward, 222 Central Park Avenue, Suite 400, Virginia Beach, Virginia; and this in accordance with the Federal Rules of Civil Procedure.</p> <p style="text-align: center;">-----</p> <p>ROBERT T. McGEE, was sworn and deposed on behalf of the Plaintiffs as follows:</p> <p style="text-align: center;">EXAMINATION</p> <p>BY MR. SHOEMAKER:</p> <p>Q. Captain, good morning. My name is Jamie Shoemaker. What we're about to do here today is I'm about to take your deposition. Have you ever given a deposition before?</p> <p>A. No, I have not.</p> <p>Q. A deposition is sworn testimony and it bears the same weight and dignity as if we were in a mahogany-walled courtroom downtown, so it's important that we build as clear a record as possible. To that end, I'm going to ask you to wait until I get through asking my question before you begin speaking and I'll</p>	<p style="text-align: right;">5</p> <p>home address, please?</p> <p>A. 75 Charles Parish Drive, Poquoson, Virginia, 23662.</p> <p>Q. Okay. And, Captain McGee, how long have you been employed by the Hampton sheriff's office?</p> <p>A. It will be 20 years December 1st.</p> <p>Q. And how long have you held the rank of captain?</p> <p>A. Approximately four to five years.</p> <p>Q. And prior to that what was your rank?</p> <p>A. Lieutenant.</p> <p>Q. And approximately how long were you a lieutenant?</p> <p>A. Probably about the same, four to five years.</p> <p>Q. And how do your duties now as a captain differ from your duties you held as a lieutenant?</p> <p>A. My duties now is the training supervisor, commander of training and professional standards.</p> <p>Q. All right.</p> <p>A. My job responsibilities as lieutenant was supervisor of courts and transportation, and prior to that I was a lieutenant in charge of the records division, and prior to that I was a lieutenant in charge as a shift commander. At the jail.</p>

2 (Pages 2 to 5)

<p>6</p> <p>1 Q. Could you describe for me the duties that</p> <p>2 you currently hold as captain?</p> <p>3 A. Right now, I'm the training supervisor,</p> <p>4 responsible for overseeing all the training division</p> <p>5 for the whole department.</p> <p>6 Q. And do you have any duties in addition to</p> <p>7 that?</p> <p>8 A. Just the professional standards portion of</p> <p>9 it.</p> <p>10 Q. All right. And did you hold the same</p> <p>11 duties in 2009?</p> <p>12 A. No, I did not.</p> <p>13 Q. What duties did you hold in 2009?</p> <p>14 A. In 2009 I was the commander of the court</p> <p>15 services division.</p> <p>16 Q. And were you a captain or a lieutenant at</p> <p>17 that point?</p> <p>18 A. I was captain.</p> <p>19 Q. And when did you make the switch from court</p> <p>20 services to training?</p> <p>21 A. I want to say it was October 12th of 2010.</p> <p>22 Q. Unless I indicate otherwise here today, my</p> <p>23 questions refer to the time period of 2009. Now, I</p> <p>24 might ask a question where I will broaden that expanse</p> <p>25 or limit it somewhat, but generally speaking, if I</p>	<p>8</p> <p>1 these notes when the meetings are concluded?</p> <p>2 A. We just brief the sheriff and sometimes</p> <p>3 people have written notes, sometimes people just bring</p> <p>4 a general briefing to the sheriff of what's going on in</p> <p>5 their division.</p> <p>6 Q. Do you keep notes of your staff meetings?</p> <p>7 A. I keep notes as to what I talk about and</p> <p>8 the important events that someone else would brief me</p> <p>9 about that I would need to refer to at a later time.</p> <p>10 Q. And you keep a file of these notes?</p> <p>11 A. They're in a notebook like a composition</p> <p>12 notebook.</p> <p>13 Q. Is it the type of composition notebook</p> <p>14 where you can take paper in and out, or is it one of</p> <p>15 those composition notebooks where you can't take paper</p> <p>16 out?</p> <p>17 A. It's a spiral.</p> <p>18 Q. It's a spiral so you would have to tear the</p> <p>19 sheet out?</p> <p>20 A. Yes, sir.</p> <p>21 Q. How far back do you have notes?</p> <p>22 A. I would have to check on that. I -- I keep</p> <p>23 the spiral notebook, and when it fills up I put another</p> <p>24 one in there. It goes with me to the staff meeting.</p> <p>25 Q. And you save the old spiral notebook?</p>
<p>7</p> <p>1 don't state what time period I'm referring to, I'm</p> <p>2 referring to 2009.</p> <p>3 How often back in 2009 and prior did the</p> <p>4 sheriff hold staff meetings?</p> <p>5 A. What type of staff meeting?</p> <p>6 Q. Senior staff.</p> <p>7 A. He has a staff meeting for senior staff on</p> <p>8 Tuesday afternoons.</p> <p>9 Q. Every week?</p> <p>10 A. Every week unless they are cancelled or</p> <p>11 postponed or rescheduled.</p> <p>12 Q. And does Colonel Bowden keep minutes or</p> <p>13 notes of those staff meetings?</p> <p>14 A. I believe she does.</p> <p>15 Q. Have you ever seen a -- apparently, I think</p> <p>16 she keeps a notebook of staff meetings?</p> <p>17 A. I never seen a notebook.</p> <p>18 Q. How do -- what do you see her do? Do you</p> <p>19 ever see her take notes at these meetings?</p> <p>20 A. Everyone comes to the meeting with their</p> <p>21 notes and we discuss everyone's notes and current</p> <p>22 events for each division, and she comes with her notes.</p> <p>23 I don't know what kind of notes as far as her records,</p> <p>24 what she keeps.</p> <p>25 Q. What do members of the senior staff do with</p>	<p>9</p> <p>1 A. I -- I may have one year prior because it</p> <p>2 takes awhile to fill up that spiral notebook.</p> <p>3 Q. Do the other members of senior staff keep</p> <p>4 spiral notebooks as well?</p> <p>5 A. I don't know what they do.</p> <p>6 Q. Back in 2009 did you use e-mail very -- by</p> <p>7 the way, when I say "senior staff" -- and we were just</p> <p>8 discussing the senior staff meetings -- who would</p> <p>9 participate in these meetings?</p> <p>10 A. Usually captains and above unless there was</p> <p>11 a special meeting involving someone else.</p> <p>12 Q. Back in 2009 did you use e-mail within the</p> <p>13 office?</p> <p>14 A. Yes.</p> <p>15 Q. And did you have your own e-mail account so</p> <p>16 that when you'd send an e-mail or you received an</p> <p>17 e-mail it was either to or from Captain McGee?</p> <p>18 A. Yes. It was registered to me.</p> <p>19 Q. And did you have your own designated laptop</p> <p>20 or, rather, desktop computer?</p> <p>21 A. Yes.</p> <p>22 Q. And would you typically -- back in 2009 was</p> <p>23 it your custom -- would you typically send e-mails</p> <p>24 every day?</p> <p>25 MR. ROSEN: Object to the form of the</p>

<p style="text-align: right;">10</p> <p>1 question.</p> <p>2 You can answer it.</p> <p>3 A. I would receive e-mails. If I needed to</p> <p>4 correspond with other people, I would send e-mails.</p> <p>5</p> <p>6 BY MR. SHOEMAKER:</p> <p>7 Q. Okay. Did you review any e-mails in</p> <p>8 preparation for your deposition today?</p> <p>9 A. Just an e-mail on the time that I was</p> <p>10 supposed to be here and the meeting.</p> <p>11 Q. And what meeting? This deposition?</p> <p>12 A. This deposition meeting.</p> <p>13 Q. What else did you do, if anything, to</p> <p>14 prepare for the deposition here today?</p> <p>15 A. We had a meeting, let me see, it was last</p> <p>16 week or the week before, with Mr. Rosen to tell us what</p> <p>17 a deposition is about and what to expect.</p> <p>18 Q. Okay. I don't need --</p> <p>19 MR. ROSEN: He doesn't want to know what I</p> <p>20 told you.</p> <p>21</p> <p>22 BY MR. SHOEMAKER:</p> <p>23 Q. I don't want to know the content of what</p> <p>24 Mr. Rosen said to you or what you said to Mr. Rosen in</p> <p>25 that meeting.</p>	<p style="text-align: right;">12</p> <p>1 A. At what part of 2009?</p> <p>2 Q. Now, we're talking about Dixon now?</p> <p>3 A. Dixon.</p> <p>4 Q. At any part of 2009 did Dixon fall under</p> <p>5 your supervision?</p> <p>6 A. It may have been January.</p> <p>7 Q. Early in 2009?</p> <p>8 A. Maybe January of 2009, and that was</p> <p>9 probably the entire time.</p> <p>10 Q. And then he was transferred to -- under</p> <p>11 someone else's supervision?</p> <p>12 A. Yes, sir.</p> <p>13 Q. How about Danny Carter? Did he work for</p> <p>14 you at any point in 2009?</p> <p>15 A. No, sir.</p> <p>16 Q. Did you review any other documents in</p> <p>17 preparing for today's deposition?</p> <p>18 A. No, sir.</p> <p>19 Q. All right. I'm going to ask you about the</p> <p>20 duties of deputies within the Hampton sheriff's office.</p> <p>21 And what I'm talking about the duties of deputies or</p> <p>22 asking you questions about deputies' responsibilities,</p> <p>23 I'm referring to deputies within the Hampton sheriff's</p> <p>24 office and only the Hampton sheriff's office. Okay?</p> <p>25 A. Yes, sir.</p>
<p style="text-align: right;">11</p> <p>1 Did you review any documents to prepare for</p> <p>2 this deposition?</p> <p>3 A. I reviewed an eval, I believe.</p> <p>4 Q. An eval? Do you remember who the eval was</p> <p>5 of?</p> <p>6 A. Deputy Sandhofer.</p> <p>7 Q. All right. Why did you review that eval?</p> <p>8 A. There was a question in reference to</p> <p>9 performance.</p> <p>10 Q. Did Deputy Sandhofer work for you in 2009?</p> <p>11 A. Yes, he did.</p> <p>12 Q. Did Debbie Woodward work for you in 2009?</p> <p>13 A. No, she did not.</p> <p>14 Q. Did Bobby Bland work for you in 2009?</p> <p>15 A. No, he did not.</p> <p>16 Q. Did Wayne McCoy work for you in 2009?</p> <p>17 A. No, he did not.</p> <p>18 Q. Did David Dixon work for you in 2009?</p> <p>19 MR. ROSEN: I object to the form of the</p> <p>20 question. They don't work for him.</p> <p>21 You can answer if you can.</p> <p>22</p> <p>23 BY MR. SHOEMAKER:</p> <p>24 Q. Did they fall under your area of</p> <p>25 supervision in 2009?</p>	<p style="text-align: right;">13</p> <p>1 Q. The deputies when in the Hampton sheriff's</p> <p>2 office typically attended a course at the Hampton Roads</p> <p>3 -- Hampton Roads Criminal Justice Training Academy? Is</p> <p>4 that the name of the school?</p> <p>5 A. They -- it's the Hampton Roads Criminal</p> <p>6 Justice Training Academy now.</p> <p>7 Q. Okay.</p> <p>8 A. They changed the name.</p> <p>9 Q. How long ago did they change the name?</p> <p>10 A. They changed the name when they moved from</p> <p>11 Christopher Newport University some years ago to the</p> <p>12 new location where they're at.</p> <p>13 Q. Was that prior to 2009?</p> <p>14 A. Yes.</p> <p>15 Q. The Hampton deputies take the basic</p> <p>16 jailer's and court services course; is that correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. They do not take the basic law enforcement</p> <p>19 course; is that correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. It's correct that they do not take it?</p> <p>22 A. They do not take it.</p> <p>23 Q. Do you remember there coming a time back a</p> <p>24 few years ago when the sheriff was seeking the</p> <p>25 accreditation of CALEA?</p>

<p style="text-align: right;">14</p> <p>1 A. Yes, sir.</p> <p>2 Q. And CALEA is a national law enforcement</p> <p>3 accreditation agency? Is that correct?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Do you remember there having to be a --</p> <p>6 either a policy issued or policy change in regard to</p> <p>7 the Hampton deputies' arrest powers in order to satisfy</p> <p>8 CALEA?</p> <p>9 A. I remember an issue on that, yes, I do.</p> <p>10 Q. What do you remember about that issue?</p> <p>11 A. That word was getting around that the</p> <p>12 sheriff was taking away the arrest powers of the</p> <p>13 deputies, which was not the case.</p> <p>14 Q. Do you remember that prior to the CALEA</p> <p>15 accreditation Hampton sheriff's deputies were allowed</p> <p>16 to work -- sign up with the Hampton Police Department</p> <p>17 to work events out in the community?</p> <p>18 A. Yes, sir.</p> <p>19 Q. That changed, didn't it?</p> <p>20 A. It changed for a time frame.</p> <p>21 Q. When did it change?</p> <p>22 A. It changed while we were making</p> <p>23 determinations as to the standard in reference to law</p> <p>24 enforcement, how that fell in the category of law</p> <p>25 enforcement versus what we do.</p>	<p style="text-align: right;">16</p> <p>1 saying that in order to make an arrest, you have to be</p> <p>2 basic law enforcement trained.</p> <p>3 Q. Okay. Well, let me ask the question</p> <p>4 differently. Are you aware of a standard from DCJS</p> <p>5 that to make -- for a deputy to make an arrest not</p> <p>6 incidental to the deputy's duties as a jailer or a</p> <p>7 court services officer, that he has to be a graduate of</p> <p>8 basic law enforcement?</p> <p>9 MR. ROSEN: Object to the extent it calls</p> <p>10 for an expert opinion.</p> <p>11 You can answer it if you can.</p> <p>12 A. I'm not aware of a standard.</p> <p>13</p> <p>14 BY MR. SHOEMAKER:</p> <p>15 Q. There came a time, I think you've already</p> <p>16 said, when the Hampton sheriff's office discontinued</p> <p>17 its practice of allowing deputies to sign up with the</p> <p>18 Hampton Police Department for outside duty. When I say</p> <p>19 outside duty, I mean duty outside the Hampton sheriff's</p> <p>20 office responsibilities. Is that correct?</p> <p>21 MR. ROSEN: Object, mischaracterizes the</p> <p>22 testimony.</p> <p>23 You can answer it if you can.</p> <p>24 A. There was a time frame for a short period</p> <p>25 of time. I'm not aware of the dates. I can't remember</p>
<p style="text-align: right;">15</p> <p>1 Q. And did the sheriff issue a memo or a</p> <p>2 policy restricting deputies' arrest powers around that</p> <p>3 time frame when that issue came up?</p> <p>4 MR. ROSEN: Object to the form of the</p> <p>5 question.</p> <p>6 You can answer it if you can.</p> <p>7 A. I don't remember seeing a memo.</p> <p>8</p> <p>9 BY MR. SHOEMAKER:</p> <p>10 Q. How about a policy?</p> <p>11 A. I don't remember seeing a policy.</p> <p>12 Q. Do you remember seeing any document</p> <p>13 addressing that subject?</p> <p>14 A. No, I don't.</p> <p>15 Q. The DCJS, or DCCJS, do you know what that</p> <p>16 is?</p> <p>17 A. DCJS.</p> <p>18 Q. Okay. Do they have a regulation saying</p> <p>19 that in order to have general exercise -- exercise</p> <p>20 general arrest powers that deputies should be graduates</p> <p>21 of the basic law enforcement course?</p> <p>22 A. No, they don't. That -- no.</p> <p>23 Q. You're not aware of that? So if the</p> <p>24 sheriff testified to the contrary, he'd be mistaken?</p> <p>25 A. I'm not aware of a standard from DCJS</p>	<p style="text-align: right;">17</p> <p>1 the dates or the length of time that that was in</p> <p>2 effect.</p> <p>3</p> <p>4 BY MR. SHOEMAKER:</p> <p>5 Q. Did that policy come into effect in order</p> <p>6 to satisfy CALEA?</p> <p>7 A. The policy or the directive came into</p> <p>8 effect while we were trying to determine how we satisfy</p> <p>9 the law enforcement standards within the City of</p> <p>10 Hampton.</p> <p>11 Q. And how long was it in effect?</p> <p>12 A. I do not remember how long it was in</p> <p>13 effect.</p> <p>14 Q. So Hampton deputies now can go sign up with</p> <p>15 the Hampton sheriff's office to work events outside of</p> <p>16 the Hampton sheriff's purview?</p> <p>17 A. Yes.</p> <p>18 Q. And how long have they been able to do</p> <p>19 that, looking back from today?</p> <p>20 A. For a number of years.</p> <p>21 MR. ROSEN: I object to the form of the</p> <p>22 question as to relevance.</p> <p>23</p> <p>24 BY MR. SHOEMAKER:</p> <p>25 Q. What is a master deputy?</p>

5 (Pages 14 to 17)

<p style="text-align: right;">18</p> <p>1 A. Master deputy is a deputy who's been given</p> <p>2 a career development position within the sheriff's</p> <p>3 office.</p> <p>4 Q. Before I get into this, you used the phrase</p> <p>5 "directive." Are you aware of a -- you obviously have</p> <p>6 talked about the period where Hampton deputies were not</p> <p>7 allowed to sign up with the Hampton Police Department</p> <p>8 to work activities outside the purview of the Hampton</p> <p>9 sheriff's office. You used the phrase "directive."</p> <p>10 Are you aware of any directives in that regard?</p> <p>11 A. I'm not in that -- that may be a misspoken</p> <p>12 on my behalf. It was -- it was either verbally told to</p> <p>13 us or some other means of getting the information</p> <p>14 disseminated. I do not remember exactly what it was.</p> <p>15 Q. How do you become a master deputy?</p> <p>16 A. You have to go through an application</p> <p>17 process. You have to meet the criteria set by the</p> <p>18 state in order to apply. If you meet that criteria,</p> <p>19 you have to go before the master deputy board and be</p> <p>20 approved by the board to become a master deputy.</p> <p>21 Q. Do you have any idea what percentage of the</p> <p>22 Hampton deputies have attained the designation of</p> <p>23 master deputy?</p> <p>24 A. Over what period of time?</p> <p>25 Q. Well, if you -- as of -- as of December,</p>	<p style="text-align: right;">20</p> <p>1 their background that would disqualify them or might</p> <p>2 possibly disqualify them from being a deputy?</p> <p>3 A. Possibility, but I'm not involved in the</p> <p>4 background checks.</p> <p>5 Q. Are you aware of any of those situations?</p> <p>6 A. No.</p> <p>7 Q. I want to talk about the discipline within</p> <p>8 the Hampton sheriff's office and history of discipline</p> <p>9 with the Hampton sheriff's office. I'm going to show</p> <p>10 you a document that I'm going to have labeled</p> <p>11 Plaintiff's 15.</p> <p>12</p> <p>13 (Plaintiff's Exhibit No. 15 was marked</p> <p>14 for identification.)</p> <p>15</p> <p>16 BY MR. SHOEMAKER:</p> <p>17 Q. If you can take a moment and review this</p> <p>18 document, Captain.</p> <p>19 Captain, what is a disciplinary board?</p> <p>20 A. That is a board that a deputy may face when</p> <p>21 there was an action of negligence or something like</p> <p>22 that as recommended by the commander or the director of</p> <p>23 the division that that deputy works for.</p> <p>24 Q. How many disciplinary boards have you sat</p> <p>25 on before?</p>
<p style="text-align: right;">19</p> <p>1 2009, do you have any idea what percentage of the</p> <p>2 deputies would have been master deputies?</p> <p>3 A. A very small percentage. We may have had</p> <p>4 four or five possibly.</p> <p>5 Q. Okay. Is it fair to say that achieving</p> <p>6 master deputy status is a difficult thing to do?</p> <p>7 A. Can you define what you mean by difficult?</p> <p>8 It's just a process.</p> <p>9 Q. Okay. Well, why is it only four out of 100</p> <p>10 whatever, 130, 140 deputies were master deputies?</p> <p>11 A. Master deputies are granted by the state</p> <p>12 compensation board based on the size of the agency.</p> <p>13 You're allotted so many different -- so many slots for</p> <p>14 master deputies, and as the budget became constricted,</p> <p>15 the board no longer funded the master deputy program.</p> <p>16 So if a deputy was a master deputy and they parted with</p> <p>17 the sheriff's office, or were -- resigned or for</p> <p>18 whatever reason no longer became a master deputy, then</p> <p>19 that position was terminated. Until we got down to the</p> <p>20 numbers that we have now.</p> <p>21 Q. Are background checks done for all deputies</p> <p>22 before they're hired?</p> <p>23 A. Yes.</p> <p>24 Q. Has there ever been a situation where after</p> <p>25 hiring a deputy you realized there was something in</p>	<p style="text-align: right;">21</p> <p>1 A. Exact numbers, I don't know. I did sit on</p> <p>2 several.</p> <p>3 Q. I guess the boards convene on an as-needed</p> <p>4 basis?</p> <p>5 A. Yes, sir.</p> <p>6 Q. I'd like for you to remember for me every</p> <p>7 instance you can remember, and right now I just want</p> <p>8 you to identify the deputies on whose disciplinary</p> <p>9 boards you sat. Every one that you can remember</p> <p>10 sitting here, looking back from today. I'm not talking</p> <p>11 about just 2009 but looking back from today.</p> <p>12 MR. ROSEN: Object as to relevance.</p> <p>13 You can answer it.</p> <p>14 A. I am horrible with names.</p> <p>15 MR. ROSEN: It was asked to the best of</p> <p>16 your recollection. If you can't remember, you can't</p> <p>17 remember. Tell him the best you can.</p> <p>18 A. I can't remember. It's been probably over</p> <p>19 a year since I've sat on a board.</p> <p>20</p> <p>21 BY MR. SHOEMAKER:</p> <p>22 Q. You can't remember a single deputy you've</p> <p>23 ever sat on a board for?</p> <p>24 A. Michael Johnson.</p> <p>25 Q. Any others?</p>

6 (Pages 18 to 21)

<p style="text-align: right;">22</p> <p>1 A. To say definitely, no.</p> <p>2 Q. Well, all right. Do you remember there</p> <p>3 being a disciplinary board regarding someone named</p> <p>4 Pershard?</p> <p>5 A. Pershard?</p> <p>6 MR. ROSEN: Can you spell that?</p> <p>7 MR. SHOEMAKER: I think P-E-R -- P-E-R-S-H-</p> <p>8 A-R-D.</p> <p>9 A. Is that the first name or last name?</p> <p>10</p> <p>11 BY MR. SHOEMAKER:</p> <p>12 Q. That's the last name.</p> <p>13 A. I can't remember exactly.</p> <p>14 Q. Do you remember generally anything about</p> <p>15 Pershard?</p> <p>16 A. I remember a Pershard. I do not remember a</p> <p>17 disciplinary board.</p> <p>18 Q. Do you remember a disciplinary board for an</p> <p>19 employee -- and these might be employees, civilian</p> <p>20 employees, might be deputies. Do you remember a</p> <p>21 civilian disciplinary board for an employee named Hill?</p> <p>22 For not reporting or not securing an inmate and then</p> <p>23 not reporting it.</p> <p>24 A. I remember the incident. I don't remember</p> <p>25 whether or not he went to a board or not.</p>	<p style="text-align: right;">24</p> <p>1 paperwork. I mean, there was a lot of disciplinary</p> <p>2 boards that I sat on. If I sat on that one, I could</p> <p>3 recall the incident, but I...</p> <p>4 Q. I'm not just asking you about -- I'm not</p> <p>5 asking you about right now boards you sat on. I'm</p> <p>6 asking for discipline that you're aware of.</p> <p>7 A. I do not remember Lieutenant Lewis being</p> <p>8 disciplined.</p> <p>9 Q. All right. Do you remember a sergeant</p> <p>10 Theodore Ford being disciplined for anything?</p> <p>11 A. Yes.</p> <p>12 Q. What do you remember about that?</p> <p>13 A. Sergeant Ford was disciplined for an</p> <p>14 incident that happened where he participated in an</p> <p>15 event and left his weapon on the seat of a vehicle, on</p> <p>16 the back seat.</p> <p>17 Q. Prior to his discipline for that</p> <p>18 infraction, had he ever been disciplined for anything</p> <p>19 before that you're aware of?</p> <p>20 MR. ROSEN: Objection, lack of foundation.</p> <p>21 You can answer if you can.</p> <p>22 A. I don't remember him being in front of the</p> <p>23 board for anything else.</p> <p>24</p> <p>25</p>
<p style="text-align: right;">23</p> <p>1 Q. What do you remember about that incident?</p> <p>2 A. Just what you said, that there was an</p> <p>3 incident. Do you have the first name so I can make</p> <p>4 sure?</p> <p>5 Q. No, I don't. Uh-uh.</p> <p>6 A. It was a Hill that had an incident for</p> <p>7 transporting an inmate without restraints.</p> <p>8 Q. Do you remember if that person Hill had</p> <p>9 ever had any prior discipline of any kind?</p> <p>10 A. I would say yes.</p> <p>11 Q. Do you remember roughly when this</p> <p>12 discipline was?</p> <p>13 A. No, I do not.</p> <p>14 Q. Do you remember Lieutenant Harry Lewis</p> <p>15 facing a disciplinary board?</p> <p>16 A. Not definitely, no.</p> <p>17 Q. What about generally or indefinitely? Can</p> <p>18 you remember anything about Lieutenant Harry Lewis</p> <p>19 being disciplined for something?</p> <p>20 A. I don't remember.</p> <p>21 Q. You don't remember anything?</p> <p>22 A. Not --</p> <p>23 Q. As far as you know, he was never</p> <p>24 disciplined?</p> <p>25 A. I would have to refer back to some</p>	<p style="text-align: right;">25</p> <p>1 BY MR. SHOEMAKER:</p> <p>2 Q. Do you remember him being disciplined for</p> <p>3 anything else?</p> <p>4 A. No, I do not.</p> <p>5 Q. Do you remember there coming a time of an</p> <p>6 incident apparently when a Deputy Mitchell discharged</p> <p>7 his weapon accidentally and I think shot himself in the</p> <p>8 hand?</p> <p>9 A. Yes.</p> <p>10 Q. I think there was an incident on a firing</p> <p>11 range where that occurred. Is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. And then there was a second incident in one</p> <p>14 of the court buildings where that occurred with Deputy</p> <p>15 Mitchell. Is that correct?</p> <p>16 A. No, it's not. It was not in the court</p> <p>17 building.</p> <p>18 Q. Where was the second discharge?</p> <p>19 A. The second discharge was in the weapons</p> <p>20 armory.</p> <p>21 Q. All right. And on the second occasion did</p> <p>22 he hit himself in the hand?</p> <p>23 A. Yes.</p> <p>24 Q. Was he disciplined at all for either of</p> <p>25 those two events?</p>

<p style="text-align: right;">26</p> <p>1 A. Yes. He was suspended as a firearms 2 instructor for a year. I believe it was a year. 3 Q. Was he -- he was a lieutenant at some 4 point, right? 5 A. Yes, sir. 6 Q. Was he a lieutenant when either of those 7 events occurred? 8 A. I remember him being a lieutenant on the 9 second incident. The first one, I don't remember 10 whether he was or he wasn't. 11 Q. Do you remember when these events occurred? 12 A. Not exactly by date, no. 13 Q. Were they within the past five years from 14 today? 15 A. Probably so, yes. 16 Q. Did you sit on the disciplinary board 17 related to either of those two incidents? 18 A. No, I did not. 19 Q. Were there disciplinary boards for that, or 20 do you know? 21 A. I don't remember if it was handled formally 22 or informally. 23 Q. Can you remember any other accidental 24 discharges of weapons? 25 A. One.</p>	<p style="text-align: right;">28</p> <p>1 all? 2 A. I do not remember. 3 Q. Was there any report made as a result of 4 Mitchell's accidental discharges? 5 A. He wrote incident reports. 6 Q. Did any -- did either of those discharges 7 have to be reported outside the sheriff's office for 8 any reason? 9 A. I do not think they're required to be 10 reported, and I can't remember for the second incident 11 how that one was handled. I think that the first 12 incident was handled by HPD as well. Hampton Police 13 Division. 14 Q. When you say "handled," do you mean 15 investigated? 16 A. Yes. And I do not know if they did a 17 formal investigation because it was considered 18 accidental. 19 Q. Other than Sergeant Ford, are you aware of 20 any employee of the Hampton sheriff's office ever 21 misplacing a weapon? 22 A. I am aware of two weapons, possibly three 23 that were lost. 24 Q. Do you know who the employees were who were 25 responsible for those weapons?</p>
<p style="text-align: right;">27</p> <p>1 Q. And who was involved in that? 2 A. Sergeant Johnson. William Johnson. 3 Sergeant William Johnson. 4 Q. So William Johnson and Sammy Mitchell are 5 the only two accidental discharges of weapons that you 6 can remember? 7 A. That's the only two I remember. 8 Q. When an accidental discharge of a weapon 9 occurs, is a report to be made to some state authority? 10 A. The -- to a state authority? 11 Q. Or to any authority. 12 MR. ROSEN: Objection to relevance. 13 You can answer it. 14 A. The incident with William Johnson was 15 investigated by the police division because it happened 16 off duty at his residence. 17 18 BY MR. SHOEMAKER: 19 Q. How did the sheriff's department learn 20 about the incident? 21 A. He called us. 22 Q. Did he shoot himself accidentally? 23 A. No, it was just an accidental discharge in 24 his home. 25 Q. All right. Was he disciplined for that at</p>	<p style="text-align: right;">29</p> <p>1 A. I'm pretty sure that one of them was Danny 2 Carter, one of them was James Jones, and I'm not 3 familiar with the third one. I just remember that 4 there was an incident. 5 Q. Well, if an employee lost a weapon, would 6 they be disciplined for that? 7 A. It depends on how the weapons were lost. 8 Deputy Jones' weapon was stolen. If I remember 9 correctly, Deputy Carter's weapon came up missing and 10 was found on the interstate by a state trooper. That's 11 all I can remember about those. 12 MR. ROSEN: What deputy was that, did you 13 say? 14 THE DEPONENT: I want to say that was 15 Deputy Carter. 16 17 BY MR. SHOEMAKER: 18 Q. Would he have been written up for that? 19 A. I -- I don't remember. It depends on his 20 report, how -- whether it was negligence, whether it 21 was stolen, how it was reported. I don't remember 22 exactly what happened -- 23 Q. Did you say -- 24 A. -- about the incident. 25 Q. -- there was a third weapon being lost that</p>

<p style="text-align: right;">30</p> <p>1 you can't remember, sitting here?</p> <p>2 A. All weapons have been recovered except for</p> <p>3 the one from James Jones.</p> <p>4 One, apparently, at some point in time, if</p> <p>5 I remember correctly, turned up in a pawn shop. I</p> <p>6 don't remember who that weapon belonged to or how it</p> <p>7 got there.</p> <p>8 Q. Can you remember any incidents where an</p> <p>9 employee of the Hampton sheriff's office lost equipment</p> <p>10 other than weapons?</p> <p>11 Equipment owned by the Hampton sheriff's</p> <p>12 office or owned by the state. Or the city.</p> <p>13 A. No, just one -- on a couple of occasions a</p> <p>14 deputy has lost a canister, two-ounce canister of Mace.</p> <p>15 Q. You can't remember any incidents where</p> <p>16 deputies have lost ammunition or...?</p> <p>17 A. No ammunition or anything like that, no,</p> <p>18 sir.</p> <p>19 Q. How about do you all have bulletproof</p> <p>20 vests?</p> <p>21 A. Some do, some don't.</p> <p>22 Q. And you can't remember any incidents where</p> <p>23 any equipment like that has ever been lost?</p> <p>24 MR. ROSEN: Objection, asked and answered.</p> <p>25 THE DEPONENT: I'm sorry. What did you</p>	<p style="text-align: right;">32</p> <p>1 A. Yes.</p> <p>2 Q. Do you remember any other incidents?</p> <p>3 A. I remember several incidents where inmates</p> <p>4 were wrongfully released due to negligence.</p> <p>5 Q. What deputies do you remember being</p> <p>6 responsible or at least partially responsible for</p> <p>7 wrongful release of inmates due to negligence?</p> <p>8 A. I don't want to call someone's name in</p> <p>9 error.</p> <p>10 Q. I want you to name the name if you think</p> <p>11 they may have been involved.</p> <p>12 A. Ron Rose.</p> <p>13 Q. Anyone else?</p> <p>14 A. I need a minute to think.</p> <p>15 John Eaton maybe.</p> <p>16 Q. Anyone else?</p> <p>17 A. That's all I can put a name on right now.</p> <p>18 Without referral.</p> <p>19 Q. Any other types of serious infractions that</p> <p>20 you can recall, sitting here?</p> <p>21 A. The incident with Sergeant Ford.</p> <p>22 Q. Any others?</p> <p>23 A. That's all I can think of now.</p> <p>24 Q. Can you remember any incidents where an</p> <p>25 employee of the Hampton sheriff's office has received a</p>
<p style="text-align: right;">31</p> <p>1 say?</p> <p>2 MR. ROSEN: I said it was asked and</p> <p>3 answered already.</p> <p>4 You can answer him again.</p> <p>5 A. No, I do not.</p> <p>6</p> <p>7 BY MR. SHOEMAKER:</p> <p>8 Q. All right. Can you think of any serious</p> <p>9 infractions of Hampton sheriff's office policy that</p> <p>10 have occurred while you were -- you've been a captain?</p> <p>11 By a deputy.</p> <p>12 MR. ROSEN: Object to the form of the</p> <p>13 question. Overbroad, undefined.</p> <p>14 You can answer if you can.</p> <p>15 A. You would have to define serious</p> <p>16 infractions.</p> <p>17</p> <p>18 BY MR. SHOEMAKER:</p> <p>19 Q. Well, I want to use your definition of</p> <p>20 serious.</p> <p>21 A. Yes.</p> <p>22 Q. What's the first incident you remember?</p> <p>23 A. Deputy Hill.</p> <p>24 Q. This is the same Hill we were discussing a</p> <p>25 minute ago?</p>	<p style="text-align: right;">33</p> <p>1 DUI or DWI charge?</p> <p>2 A. I'm not aware of that, no.</p> <p>3 Q. Can you think of any incidents, are you</p> <p>4 aware of any incidents where an employee of the Hampton</p> <p>5 sheriff's office has been charged with reckless</p> <p>6 driving?</p> <p>7 A. I'm not aware of any incidents for that</p> <p>8 either.</p> <p>9 Q. Are you aware of any incidents where a</p> <p>10 Hampton sheriff's office employee was involved in a</p> <p>11 traffic accident in a public vehicle where there were</p> <p>12 injuries?</p> <p>13 A. Department vehicle, yes.</p> <p>14 Q. Tell me what you remember about that.</p> <p>15 A. Deputy Eley (phonetic) is a civil officer,</p> <p>16 serving civil process. She was rear-ended by an</p> <p>17 individual in the Buckroe area somewhere in the</p> <p>18 neighborhood of First Street and Pembroke Avenue. She</p> <p>19 was injured and taken to the hospital for treatment.</p> <p>20 Q. Do you remember any others?</p> <p>21 A. Serious injuries, that's the most serious</p> <p>22 injury that I remember.</p> <p>23 I remember William Johnson had an accident</p> <p>24 on his way to work one time where he had ran into</p> <p>25 someone and it was determined that he had an underlying</p>

<p style="text-align: right;">34</p> <p>1 condition.</p> <p>2 Q. Any other accidents where there were</p> <p>3 injuries?</p> <p>4 A. I can't remember any other accidents that</p> <p>5 had injuries.</p> <p>6 Q. Can you remember any vehicle accidents in</p> <p>7 sheriff's office vehicles where there was vehicle</p> <p>8 damage but there were no injuries?</p> <p>9 A. There's a lot of vehicles that are damaged</p> <p>10 due to negligence.</p> <p>11 Q. Can you remember any deputies who have been</p> <p>12 guilty of causing damage to a sheriff's vehicle because</p> <p>13 of negligence more than once?</p> <p>14 MR. ROSEN: Object to the form of the</p> <p>15 question.</p> <p>16 You can answer it.</p> <p>17 A. I do not know the results. They have a</p> <p>18 vehicle accident review board. I don't sit on the</p> <p>19 board, so I could not determine whether it was</p> <p>20 negligence based on what they found during the accident</p> <p>21 review board.</p> <p>22</p> <p>23 BY MR. SHOEMAKER:</p> <p>24 Q. Are you aware of any deputies already</p> <p>25 having been disciplined for a vehicle accident where</p>	<p style="text-align: right;">36</p> <p>1 A. I'm not aware. I do not remember anyone</p> <p>2 else being disciplined. I'm not saying that it did not</p> <p>3 happen.</p> <p>4 Q. Do you remember any deputies ever being</p> <p>5 disciplined for being insubordinate?</p> <p>6 A. Yes.</p> <p>7 Q. Who do you remember? What deputies do you</p> <p>8 remember being disciplined for being insubordinate?</p> <p>9 A. Margaret Evans.</p> <p>10 Q. These questions are all about, you know,</p> <p>11 what you remember ever happening, not just limited to</p> <p>12 2009.</p> <p>13 A. (Moved head up and down).</p> <p>14 MR. ROSEN: Object to the form of the</p> <p>15 question.</p> <p>16 You can answer if you can.</p> <p>17</p> <p>18 BY MR. SHOEMAKER:</p> <p>19 Q. What do you remember about Margaret Evans</p> <p>20 being disciplined?</p> <p>21 A. She was working in our intake division.</p> <p>22 She had an incident with the supervisor of civil</p> <p>23 process.</p> <p>24 Q. Who was that supervisor?</p> <p>25 A. John Snelling.</p>
<p style="text-align: right;">35</p> <p>1 there was damage to a vehicle?</p> <p>2 A. Yes.</p> <p>3 Q. Who are you aware of having been</p> <p>4 disciplined for that?</p> <p>5 A. Deputy Eley.</p> <p>6 Q. I thought you said she was rear-ended.</p> <p>7 A. I'm sorry. This is Deputy Eley. That is</p> <p>8 the wrong deputy. I need to correct that.</p> <p>9 Q. Okay. Who was it?</p> <p>10 A. It was Deputy Cherry.</p> <p>11 Q. Any other deputies who were disciplined</p> <p>12 because of vehicle damage? That you're aware of.</p> <p>13 A. Not that I'm aware of.</p> <p>14 Q. What happened in Deputy Cherry's case?</p> <p>15 A. She had an accident and apparently the dis</p> <p>16 -- the accident review board found that it was</p> <p>17 negligence and she was disciplined where she had to</p> <p>18 assist with payment for the damage. A portion. I do</p> <p>19 not know what the percentage or the -- her portion was.</p> <p>20 Q. Had she ever been disciplined for anything</p> <p>21 prior to this incident? Do you know?</p> <p>22 A. I do not think so.</p> <p>23 Q. Are you aware of any other deputies who</p> <p>24 were disciplined because of damage to a vehicle?</p> <p>25 Other than what you've told me about.</p>	<p style="text-align: right;">37</p> <p>1 Q. Was he a lieutenant?</p> <p>2 A. He's a sergeant.</p> <p>3 Q. All right. And what was she alleged to</p> <p>4 have done?</p> <p>5 A. She was disrespectful to the sergeant and</p> <p>6 to me.</p> <p>7 Q. What sort of discipline did she receive?</p> <p>8 A. She got a written counseling.</p> <p>9 Q. Do you remember when this occurred?</p> <p>10 A. The exact date, no, I do not.</p> <p>11 Q. Do you know what year?</p> <p>12 A. It may have been 2007.</p> <p>13 Q. When she was disciplined for this act of</p> <p>14 insubordination, had she ever been disciplined for</p> <p>15 anything before that you're aware of?</p> <p>16 A. I can't testify to that. She was not in my</p> <p>17 division.</p> <p>18 Q. Are you aware of any other deputies or</p> <p>19 employees of the Hampton sheriff's office ever being</p> <p>20 disciplined for insubordination of any kind?</p> <p>21 MR. ROSEN: Objection to the form.</p> <p>22 You can answer it.</p> <p>23 A. I don't remember.</p> <p>24</p> <p>25</p>

<p style="text-align: right;">38</p> <p>1 BY MR. SHOEMAKER:</p> <p>2 Q. You don't remember any?</p> <p>3 A. Any others.</p> <p>4 Q. Do you remember any deputies or employees</p> <p>5 of the Hampton sheriff's office ever having been</p> <p>6 disciplined for being abusive toward prisoners?</p> <p>7 A. No, I do not.</p> <p>8 Q. Do you remember any incidents of Hampton</p> <p>9 sheriff's office deputies or employees being</p> <p>10 disciplined for having inappropriate relationships with</p> <p>11 prisoners?</p> <p>12 A. I don't remember anything specifically in</p> <p>13 that.</p> <p>14 Q. Do you remember anything generally in that</p> <p>15 regard?</p> <p>16 A. Disciplined, I do not remember anyone being</p> <p>17 disciplined for any of those charges.</p> <p>18 Q. Do you remember any Hampton sheriff's</p> <p>19 office deputy or employee being accused of having an</p> <p>20 inappropriate relationship with a prisoner? But not</p> <p>21 being disciplined.</p> <p>22 A. Your definition of inappropriate?</p> <p>23 Q. I want you to use your definition of</p> <p>24 inappropriate.</p> <p>25 A. I remember one incident where someone</p>	<p style="text-align: right;">40</p> <p>1 A. There was someone with him. I can't</p> <p>2 remember the name of the deputy that came with him to a</p> <p>3 disciplinary board.</p> <p>4 Q. Any other incidents?</p> <p>5 A. That's the only one I remember.</p> <p>6 Q. And what did Mike -- what was Michael</p> <p>7 Johnson accused of doing?</p> <p>8 A. He was -- there was an incident at intake</p> <p>9 where it was stated in his hearing that the major had</p> <p>10 reported to intake at a specific time, which he did</p> <p>11 not. And he was aware of the incident. And it was</p> <p>12 proven that that was not true.</p> <p>13 Q. So he was innocent of the allegation?</p> <p>14 A. No, he was guilty.</p> <p>15 Q. Oh. He was guilty of the allegation.</p> <p>16 Okay. And again, his infraction was what now?</p> <p>17 A. There was an incident, but surrounding the</p> <p>18 incident there was a statement that he made in</p> <p>19 reference to the major reporting to intake, which was</p> <p>20 not true.</p> <p>21 Q. So he alleged in a statement that a major</p> <p>22 had reported to intake and that fact was not true?</p> <p>23 A. Yes.</p> <p>24 Q. And what happened to him because of this</p> <p>25 infraction?</p>
<p style="text-align: right;">39</p> <p>1 visited an inmate in another facility.</p> <p>2 Q. A Hampton sheriff's office employee visited</p> <p>3 an inmate in another facility?</p> <p>4 A. Yes.</p> <p>5 Q. It was a facility not under the purview of</p> <p>6 the Hampton sheriff's office?</p> <p>7 A. Yes.</p> <p>8 Q. And what employee was that?</p> <p>9 A. I do not remember the name, and that's why</p> <p>10 I was reluctant to say, I remember something about an</p> <p>11 incident where -- and someone visited an inmate in</p> <p>12 another detention facility. And that's all I can</p> <p>13 remember.</p> <p>14 Q. Was there an issue of that visit being</p> <p>15 romantic or sexual?</p> <p>16 A. I don't remember. Not to my knowledge, no.</p> <p>17 Q. Are you aware of any employees of the</p> <p>18 Hampton sheriff's office or any deputies within the</p> <p>19 Hampton sheriff's office ever being alleged to have</p> <p>20 engaged in some conduct involving dishonesty?</p> <p>21 A. Yes.</p> <p>22 Q. What employees do you remember being</p> <p>23 involved in incidents related to dishonesty?</p> <p>24 A. Michael Johnson.</p> <p>25 Q. Any others?</p>	<p style="text-align: right;">41</p> <p>1 A. The board recommended termination.</p> <p>2 Q. And was he terminated --</p> <p>3 A. Yes.</p> <p>4 Q. -- as a result of this infraction?</p> <p>5 A. Yes.</p> <p>6 Q. And you don't remember who else was</p> <p>7 involved in this?</p> <p>8 A. No, I do not.</p> <p>9 Q. Do you know of any employees in the Hampton</p> <p>10 sheriff's office who are related to Sheriff B. J.</p> <p>11 Roberts?</p> <p>12 MR. ROSEN: Objection as to relevance.</p> <p>13 Answer it.</p> <p>14</p> <p>15 BY MR. SHOEMAKER:</p> <p>16 Q. By related, I mean a familial relationship</p> <p>17 of some sort.</p> <p>18 A. Yes.</p> <p>19 Q. Who are they?</p> <p>20 A. Wendell Barnwell.</p> <p>21 Q. Are there any others?</p> <p>22 A. That's the only one I know of.</p> <p>23 Q. And Wendell Barnwell is his nephew?</p> <p>24 A. Yes.</p> <p>25 Q. Are you aware of Wendell Barnwell ever</p>

<p style="text-align: right;">42</p> <p>1 having been disciplined for anything?</p> <p>2 A. He was involved in the incident with</p> <p>3 Sergeant Ford. I think he was disciplined somewhat. I</p> <p>4 don't remember what his discipline was.</p> <p>5 Q. Who else other than Barnwell was involved</p> <p>6 in that incident, if anyone?</p> <p>7 A. Cayetano Coronado.</p> <p>8 Q. Coronado, Deputy Coronado?</p> <p>9 A. Yes.</p> <p>10 Q. Do you remember Coronado's first name?</p> <p>11 A. Cayetano.</p> <p>12 Q. Fayetano?</p> <p>13 A. Cayetano. C-A-Y-E-T-A-N-O.</p> <p>14 Q. Cayetano. Was Cayetano disciplined as</p> <p>15 well?</p> <p>16 A. Yes.</p> <p>17 Q. And that incident, Sergeant Ford had</p> <p>18 apparently left his weapon in the back seat of a</p> <p>19 sheriff's vehicle?</p> <p>20 A. Yes.</p> <p>21 Q. And then what, Barnwell and Coronado</p> <p>22 transported a prisoner in that vehicle?</p> <p>23 A. Barnwell --</p> <p>24 MR. ROSEN: Objection to the form of the</p> <p>25 question.</p>	<p style="text-align: right;">44</p> <p>1 remember?</p> <p>2 A. It gives explanation of the procedures for</p> <p>3 disciplinary action.</p> <p>4 Q. Okay.</p> <p>5 A. And the appeal process and things of that</p> <p>6 nature.</p> <p>7 Q. Does the policy generally call for applying</p> <p>8 gradations of discipline based on the infraction?</p> <p>9 MR. ROSEN: Objection to the form of the</p> <p>10 question.</p> <p>11 You can answer it.</p> <p>12 A. There's a progressive disciplinary action</p> <p>13 that an immediate supervisor can take. More serious</p> <p>14 infractions are referred to the director of the</p> <p>15 division for recommendations on disciplinary action.</p> <p>16</p> <p>17 BY MR. SHOEMAKER:</p> <p>18 Q. All right. And is it generally the policy</p> <p>19 of the Hampton sheriff's office that lapses in</p> <p>20 performance or infractions of policy should be</p> <p>21 documented so that the employee can learn from them?</p> <p>22 A. Yes.</p> <p>23 Q. Did you attend a staff meeting in either</p> <p>24 November or December of 2009, the subject of which was</p> <p>25 which deputies should not be or which employees should</p>
<p style="text-align: right;">43</p> <p>1 You can answer it.</p> <p>2 A. Barnwell transported a prisoner.</p> <p>3</p> <p>4 BY MR. SHOEMAKER:</p> <p>5 Q. What did Coronado do?</p> <p>6 A. Coronado delivered the vehicle to Barnwell.</p> <p>7 Q. And so Sergeant Ford was guilty of leaving</p> <p>8 the weapon in the back seat, Coronado was guilty of not</p> <p>9 checking the vehicle, and Barnwell was guilty of not</p> <p>10 checking the vehicle?</p> <p>11 MR. ROSEN: Objection to the form of the</p> <p>12 question. It's not a criminal charge.</p> <p>13 You can answer.</p> <p>14 A. That's the basis of the incident, yes.</p> <p>15</p> <p>16 BY MR. SHOEMAKER:</p> <p>17 Q. All right. And so Coronado was</p> <p>18 disciplined, Ford was disciplined, and Barnwell was</p> <p>19 disciplined?</p> <p>20 A. Yes.</p> <p>21 Q. Does the sheriff's office have a discipline</p> <p>22 policy?</p> <p>23 A. Yes.</p> <p>24 Q. And what do you -- what do you remember --</p> <p>25 what does the discipline policy say, as best you can</p>	<p style="text-align: right;">45</p> <p>1 not be reappointed?</p> <p>2 A. No.</p> <p>3 Q. Did you attend any meeting in November or</p> <p>4 December of 2009 at which -- with senior staff at which</p> <p>5 the subject was which employees or deputies should not</p> <p>6 be reappointed?</p> <p>7 A. No.</p> <p>8 Q. Did you attend any senior staff meeting at</p> <p>9 all, put aside -- in 2009 did you attend any senior</p> <p>10 staff meeting at all, the subject of which was whether</p> <p>11 or not certain deputies or employees should not be</p> <p>12 reappointed?</p> <p>13 A. No.</p> <p>14 Q. Did you believe in 2009 that Deputy David</p> <p>15 Dixon should not be reappointed, or did you simply not</p> <p>16 have an opinion on the matter?</p> <p>17 A. No opinion.</p> <p>18 Q. Did you believe in 2009 that Deputy Robert</p> <p>19 W. McCoy should not be reappointed, or did you simply</p> <p>20 have no opinion on the matter?</p> <p>21 A. No opinion.</p> <p>22 Q. Did you believe in 2009 that Deputy John C.</p> <p>23 Sandhofer should not be reappointed, or did you simply</p> <p>24 have no opinion on the matter?</p> <p>25 A. No opinion.</p>

<p style="text-align: right;">46</p> <p>1 Q. Did you believe in 2009 that Debra Woodward 2 should not be reappointed, or did you simply have no 3 opinion on the matter? 4 A. No opinion. 5 Q. Did you believe in 2009 that Deputy Daniel 6 Carter should not be reappointed, or did you simply 7 have no opinion on the matter? 8 A. No opinion. 9 Q. Did you believe in 2009 that Bobby Bland 10 should not be reappointed, or did you simply have no 11 opinion on the matter? 12 A. No opinion. 13 Q. Major Wells-Major's first name is Belinda, 14 right? 15 A. Yes, sir. 16 Q. Does she go by Belinda? To people who -- I 17 mean is she on a first-name basis with you or with any 18 of the senior people in the office? 19 A. She's on the major level with me. 20 Q. All right. All right. Have you ever heard 21 either the sheriff, Colonel Bowden -- withdraw that. 22 Have you ever heard any senior officer 23 within the Hampton sheriff's office say anything like, 24 quote, "If you don't support the sheriff, you're going 25 to be out of here," end quote?</p>	<p style="text-align: right;">48</p> <p>1 you or hurt you," end quote. 2 A. No. 3 Q. Have you ever heard any senior officer 4 within the Hampton sheriff's office say, quote, 5 "Supporting the sheriff could help you," end quote, or 6 anything like that? 7 A. No. 8 Q. Have you ever heard any senior officer 9 within the Hampton sheriff's office say anything like 10 that, quote, "Be sure you are supporting the right 11 person," end quote? 12 A. No. 13 Q. Have you ever heard any senior officer 14 within the Hampton sheriff's office say anything like 15 that, quote, "It is in your best interest to support 16 the sheriff," end quote? 17 A. No. 18 Q. Have you ever made a statement like that? 19 A. Not that I remember. 20 Q. Is it possible that you made such a 21 statement, you simply don't remember it, sitting here? 22 MR. ROSEN: Objection, calls for 23 speculation. 24 You can answer it. 25 A. Possibility. I don't remember.</p>
<p style="text-align: right;">47</p> <p>1 A. No. 2 Q. Have you ever heard any senior officer 3 within the Hampton sheriff's office say anything like, 4 quote, "If you don't support the sheriff, you're not 5 going anywhere," end quote? 6 A. No. 7 Q. Have you ever heard any senior officer -- 8 and by senior officer, I mean anyone at the rank of 9 lieutenant or above. Okay? 10 A. (Moved head up and down). 11 Q. And with that caveat, does your answer 12 change at all on the previous two questions I just 13 asked? 14 A. No. 15 Q. Have you ever heard any senior officer 16 within the Hampton sheriff's office ever say anything 17 like, quote, "Supporting the sheriff could help you or 18 hurt you, it's up to you," end quote? 19 A. No. 20 Q. Have you ever heard any senior officer 21 within the Hampton sheriff's office say anything like 22 that, quote, "Supporting the sheriff could help you or 23 hurt you," end quote? 24 A. Could you repeat that? 25 Q. Quote, "Supporting the sheriff could help</p>	<p style="text-align: right;">49</p> <p>1 BY MR. SHOEMAKER: 2 Q. But it's possible? 3 A. Anything is possible. 4 Q. Well, it's not possible that you killed 5 somebody in 2009, is it? 6 A. No, sir. 7 Q. It's not possible that you robbed a bank in 8 2009, is it? 9 A. No. 10 Q. Do you remember there being a shift change 11 meeting in 2009 at which the sheriff -- and I believe 12 the shift change meeting would have occurred either in 13 August or September of 2009, and the sheriff attended 14 and spoke? 15 A. Were you referring to the meeting being 16 held...? 17 Q. Well, let me start with any shift change 18 meeting. 19 A. August I remember a meeting in the court 20 services division that the sheriff attended. 21 Q. In that meeting did the sheriff say 22 anything like that, quote, "I am going to have this job 23 as long as I want it," end quote? 24 A. I don't remember that statement. 25 Q. Do you remember any statement like that?</p>

<p style="text-align: right;">50</p> <p>1 A. No.</p> <p>2 Q. Do you remember the sheriff saying, quote,</p> <p>3 "My train is the long train," end quote, or making any</p> <p>4 statement like that?</p> <p>5 A. No, sir.</p> <p>6 Q. Do you remember the sheriff saying, quote,</p> <p>7 "I will be sheriff until I don't want to be sheriff,"</p> <p>8 end quote, or any statement like that?</p> <p>9 A. No.</p> <p>10 Q. Do you remember the sheriff mentioning</p> <p>11 getting on the, quote, "short train," end quote? And</p> <p>12 I'll tell you the sheriff testified the other day that</p> <p>13 he talked about the long train and short train.</p> <p>14 MR. ROSEN: Objection to the form of the</p> <p>15 question. That's an improper question.</p> <p>16 You can answer it if you can.</p> <p>17 A. I don't remember those statements. I</p> <p>18 remember the meeting.</p> <p>19</p> <p>20 BY MR. SHOEMAKER:</p> <p>21 Q. You do remember the meeting?</p> <p>22 A. I remember the meeting.</p> <p>23 Q. And you remember the sheriff speaking?</p> <p>24 A. I remember the sheriff speaking.</p> <p>25 Q. And what did the sheriff say?</p>	<p style="text-align: right;">52</p> <p>1 false statement would be perjury?</p> <p>2 MR. ROSEN: Objection, argumentative. You</p> <p>3 don't have to threaten with perjury now, Mr. Shoemaker.</p> <p>4 That's improper in a deposition, okay?</p> <p>5 MR. SHOEMAKER: I'm not threatening him.</p> <p>6 MR. ROSEN: Yes, you are. Yes, you are.</p> <p>7 Hold on a second. Hold on a second. Let's take a</p> <p>8 break.</p> <p>9</p> <p>10 (Recess)</p> <p>11</p> <p>12 BY MR. SHOEMAKER:</p> <p>13 Q. Back on the record.</p> <p>14 You understand you're still under oath,</p> <p>15 right, Captain?</p> <p>16 A. Yes, sir.</p> <p>17 Q. How long did the sheriff speak in this</p> <p>18 meeting where he gave this appeal in support of his</p> <p>19 campaign? How long did he speak?</p> <p>20 A. Just a few minutes.</p> <p>21 Q. Do you remember Colonel Bowden speaking</p> <p>22 after the sheriff spoke?</p> <p>23 A. I don't remember seeing Colonel Bowden</p> <p>24 there.</p> <p>25 Q. Do you remember Major Richardson being</p>
<p style="text-align: right;">51</p> <p>1 A. Without exact words, it was an appeal for</p> <p>2 the deputies there, appealing for their support.</p> <p>3 Q. Did the sheriff mention he had learned</p> <p>4 about certain deputies being on Facebook for Jim Adams?</p> <p>5 A. I don't remember that statement about any</p> <p>6 Facebook. At that meeting?</p> <p>7 Q. Right.</p> <p>8 A. No.</p> <p>9 Q. Do you remember the sheriff ever mentioning</p> <p>10 that he had learned that certain deputies were on</p> <p>11 Facebook supporting Jim Adams?</p> <p>12 A. No.</p> <p>13 Q. You're under oath here today.</p> <p>14 A. I know.</p> <p>15 MR. ROSEN: Objection, that's improper.</p> <p>16 You don't have to remind him he's under oath.</p> <p>17 Ignore that.</p> <p>18 MR. SHOEMAKER: I have every right to</p> <p>19 remind him he's under oath.</p> <p>20</p> <p>21 BY MR. SHOEMAKER:</p> <p>22 Q. You understand you're under oath here</p> <p>23 today?</p> <p>24 A. Yes.</p> <p>25 Q. And you understand that any materially</p>	<p style="text-align: right;">53</p> <p>1 there?</p> <p>2 A. No.</p> <p>3 Q. Did you only attend one such meeting where</p> <p>4 the sheriff spoke an appeal?</p> <p>5 A. Just one.</p> <p>6 Q. Was it a shift change meeting?</p> <p>7 A. It was a staff meeting for the court</p> <p>8 services staff, and the sheriff spoke after the meeting</p> <p>9 was over. Or at the beginning. I can't remember which</p> <p>10 one.</p> <p>11 Q. Were members of the operations department</p> <p>12 also there?</p> <p>13 A. I remember that the -- my staff was there.</p> <p>14 I can't remember exactly who from the other division</p> <p>15 was there. It's -- it's possible that they were there.</p> <p>16 I don't remember them being there.</p> <p>17 Q. Do you remember Danny Carter being there?</p> <p>18 A. Danny Carter was not in courts division.</p> <p>19 He would have no reason to be there.</p> <p>20 Q. Do you remember if Ken Darling was there?</p> <p>21 A. Ken Darling.</p> <p>22 Ken Darling. Where did he work at?</p> <p>23 Q. I think he was in the admin. support at the</p> <p>24 time, or operations at the time.</p> <p>25 A. I don't -- I don't remember seeing his</p>

<p style="text-align: right;">54</p> <p>1 face. He could have been there. I'm not sure.</p> <p>2 Q. Do you remember appeals being made by the</p> <p>3 sheriff or any other members of his senior staff,</p> <p>4 appeals or requests from the sheriff or any other</p> <p>5 members of his senior staff, lieutenant or above, in</p> <p>6 2009 for political support for his campaign effort?</p> <p>7 A. He appealed for support at the meeting to</p> <p>8 staff.</p> <p>9 Q. Okay.</p> <p>10 A. Now, what type of -- are you talking</p> <p>11 about...?</p> <p>12 Q. Well, let me back up. I'll ask it in a</p> <p>13 more detailed way. Do you ever remember Major</p> <p>14 Richardson ever speaking to any deputies either as a</p> <p>15 group or one on one where he said: Hey, I need you to</p> <p>16 do something for the sheriff, in support of his</p> <p>17 campaign?</p> <p>18 Not exactly those words but words like that</p> <p>19 where he was asking for support from employees with the</p> <p>20 sheriff's office.</p> <p>21 A. I don't remember him coming to the division</p> <p>22 that I was in, asking for people to support.</p> <p>23 Q. Okay. I'm not -- my question is not</p> <p>24 restricted, though, coming to your division. Do you</p> <p>25 remember him doing that at all?</p>	<p style="text-align: right;">56</p> <p>1 MR. ROSEN: Objection to the form of the</p> <p>2 question.</p> <p>3</p> <p>4 BY MR. SHOEMAKER:</p> <p>5 Q. Do you know whether or not the proceeds</p> <p>6 from the golf tournament were to go to support his</p> <p>7 reelection effort? Is that your understanding?</p> <p>8 A. Yes.</p> <p>9 Q. And you have seen Major Richardson come</p> <p>10 around selling tickets to the event?</p> <p>11 MR. ROSEN: Object to the form of the</p> <p>12 question.</p> <p>13 If you can answer, answer it.</p> <p>14 A. I don't think he was selling the tickets.</p> <p>15</p> <p>16 BY MR. SHOEMAKER:</p> <p>17 Q. He was seeking deputies to sell tickets?</p> <p>18 A. He was seeking support of selling the</p> <p>19 tickets if they wanted to.</p> <p>20 Q. And what would he say? What would he say</p> <p>21 to the deputies?</p> <p>22 A. Do you want to sell some barbecue tickets</p> <p>23 to support the sheriff?</p> <p>24 Q. When you say "barbecue," the barbecue was</p> <p>25 held in conjunction with the golf tournament?</p>
<p style="text-align: right;">55</p> <p>1 MR. ROSEN: Object to the form of the</p> <p>2 question.</p> <p>3 You can answer it if you can.</p> <p>4 A. What type of support are you -- just...?</p> <p>5</p> <p>6 BY MR. SHOEMAKER:</p> <p>7 Q. Any sort of support -- any sort of support</p> <p>8 in aid of the sheriff's reelection effort in 2009. Or</p> <p>9 prior to 2009.</p> <p>10 A. I think he -- he -- he would have tickets.</p> <p>11 Q. To the golf event?</p> <p>12 A. Yes.</p> <p>13 Q. To the golf tournament?</p> <p>14 A. Yes.</p> <p>15 Q. And the sheriff held a golf tournament</p> <p>16 every year in support of his political reelection,</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. That was held every year irrespective of</p> <p>20 whether the sheriff was in a campaign that year,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. As far as you know, the proceeds of that</p> <p>24 golf tournament would go to support his reelection</p> <p>25 effort, correct?</p>	<p style="text-align: right;">57</p> <p>1 A. Yes.</p> <p>2 Q. Or was that a separate event?</p> <p>3 A. It's the same.</p> <p>4 Q. Did any deputies ever complain to you about</p> <p>5 this?</p> <p>6 MR. ROSEN: Objection to relevance.</p> <p>7 You can answer if you can.</p> <p>8 A. They -- they may have. I'm not going to</p> <p>9 say that it was a complaint, because they accepted</p> <p>10 tickets.</p> <p>11</p> <p>12 BY MR. SHOEMAKER:</p> <p>13 Q. Did any deputies complain to you that they</p> <p>14 felt coerced or they felt pressured to accept the</p> <p>15 tickets and to sell them?</p> <p>16 MR. ROSEN: Objection, hearsay.</p> <p>17 You can answer it.</p> <p>18 A. I don't remember them saying that they were</p> <p>19 coerced into selling tickets.</p> <p>20</p> <p>21 BY MR. SHOEMAKER:</p> <p>22 Q. Do you remember them saying anything like</p> <p>23 that?</p> <p>24 A. I remember them asked about if they wanted</p> <p>25 to sell tickets.</p>

<p style="text-align: right;">58</p> <p>1 Q. Who do you remember asking this?</p> <p>2 A. The major would ask individuals. He would</p> <p>3 come around when it came that time and ask deputies if</p> <p>4 they wanted to sell tickets to the barbecue or golf</p> <p>5 tournament.</p> <p>6 Q. I'll come back to this in a minute. Do you</p> <p>7 remember the major coming around and saying anything</p> <p>8 else about the sheriff's reelection effort? Other</p> <p>9 than: Do you want to help sell some tickets?</p> <p>10 A. In reference to the barbecue or golf</p> <p>11 tournament?</p> <p>12 Q. In reference to the reelection effort, the</p> <p>13 reelection campaign at all.</p> <p>14 A. I don't -- I don't remember him saying</p> <p>15 anything specific to that, no.</p> <p>16 Q. Do you remember him saying anything</p> <p>17 generally about that?</p> <p>18 A. No. He was -- he was in the corrections</p> <p>19 division. I don't remember him coming over to the</p> <p>20 other division seeking that support. Or whatever.</p> <p>21 Q. Did you --</p> <p>22 A. I'm not saying that it didn't happen. I</p> <p>23 don't recall him visually or hear him say anything that</p> <p>24 I can remember.</p> <p>25 Q. Okay. Did you think there was anything</p>	<p style="text-align: right;">60</p> <p>1 BY MR. SHOEMAKER:</p> <p>2 Q. Who's "they"?</p> <p>3 A. The major.</p> <p>4 Q. And he would do this with other deputies,</p> <p>5 too?</p> <p>6 A. As far as I know, yes.</p> <p>7 Q. Did you ever see the major ever say</p> <p>8 anything like, Hey, you really ought to support the</p> <p>9 sheriff for reelection this fall, to employees?</p> <p>10 MR. ROSEN: Objection to the form of the</p> <p>11 question.</p> <p>12 You can answer it if you can.</p> <p>13 A. Specifically, I can't remember him saying</p> <p>14 that. Everybody in general would support the sheriff.</p> <p>15</p> <p>16 BY MR. SHOEMAKER:</p> <p>17 Q. Why was that?</p> <p>18 A. He's our boss. And we support the sheriff.</p> <p>19 Just loyalty.</p> <p>20 Q. Did anyone ever inquire of you who any of</p> <p>21 your employees were supporting for sheriff in 2009.</p> <p>22 A. Inquire of me of what?</p> <p>23 Q. Of whether or not any of your employees</p> <p>24 were supporting the sheriff for reelection in 2009?</p> <p>25 MR. ROSEN: Object to the form of the</p>
<p style="text-align: right;">59</p> <p>1 inappropriate about a major within the office coming up</p> <p>2 to a rank-and-file employee and asking them: Hey, will</p> <p>3 you sell some tickets for the golf tournament?</p> <p>4 MR. ROSEN: Objection, irrelevant.</p> <p>5 You can answer.</p> <p>6 A. No.</p> <p>7</p> <p>8 BY MR. SHOEMAKER:</p> <p>9 Q. Now, you saw him doing this in his uniform?</p> <p>10 A. Possibly, yes.</p> <p>11 Q. When you saw him doing this, where were</p> <p>12 you?</p> <p>13 A. It -- it just varies on when it was. I</p> <p>14 could be anywhere in my division. I could have been in</p> <p>15 my office. I could have been passing by or it could</p> <p>16 have been brought over to the people that agreed to</p> <p>17 sell tickets and left.</p> <p>18 Q. Do you think you saw him in each of those</p> <p>19 contexts at some time seeking deputies to sell tickets?</p> <p>20 MR. ROSEN: Objection to the form of the</p> <p>21 question. Leading. You can answer.</p> <p>22 A. I would say no. They -- they would ask me</p> <p>23 if I wanted to sell tickets and they would give me some</p> <p>24 tickets.</p> <p>25</p>	<p style="text-align: right;">61</p> <p>1 question. You mean his subordinates?</p> <p>2</p> <p>3 BY MR. SHOEMAKER:</p> <p>4 Q. I mean -- yes. Any of your subordinates.</p> <p>5 A. Would they inquire to me?</p> <p>6 Q. Yes.</p> <p>7 A. I'm still not understanding the exact</p> <p>8 question.</p> <p>9 Q. Did anyone ever come to you in 2009 --</p> <p>10 anyone ever come to you in 2009 and inquire of you</p> <p>11 whether any of your subordinates -- let me break it</p> <p>12 down a bit -- whether any of your subordinates were</p> <p>13 supporting Jim Adams?</p> <p>14 A. Okay. I understand. No.</p> <p>15 Q. Did anyone ever come to you and inquire of</p> <p>16 you whether your subordinates were supporting the</p> <p>17 sheriff for reelection?</p> <p>18 A. No.</p> <p>19 Q. Did anyone ever come to you and inquire of</p> <p>20 you whether any one particular of your subordinates</p> <p>21 were supporting the sheriff for reelection?</p> <p>22 A. No.</p> <p>23 Q. Has the sheriff made -- ever made any</p> <p>24 comment to you about his decision not to reappoint</p> <p>25 Bobby Bland?</p>

<p style="text-align: right;">62</p> <p>1 A. No.</p> <p>2 Q. Has the sheriff ever made any comment to</p> <p>3 you about his decision to not reappoint Danny Carter?</p> <p>4 A. No.</p> <p>5 Q. Has the sheriff ever made any comment to</p> <p>6 you about his decision not to reappoint David Dixon?</p> <p>7 A. No.</p> <p>8 Q. Has the sheriff ever made any comment to</p> <p>9 you about his decision not to reappoint Robert McCoy,</p> <p>10 or Wayne McCoy?</p> <p>11 A. No.</p> <p>12 Q. Has the sheriff ever made any comment to</p> <p>13 you about his decision not to reappoint John Sandhofer?</p> <p>14 A. No.</p> <p>15 Q. Has the sheriff ever made any comment to</p> <p>16 you about his decision not to reappoint Debbie</p> <p>17 Woodward?</p> <p>18 A. No.</p> <p>19 Q. Has Major Richardson ever made any comment</p> <p>20 to you about the sheriff's decision not to reappoint</p> <p>21 Bobby Bland?</p> <p>22 A. No.</p> <p>23 Q. Has Major Richardson ever made any comment</p> <p>24 to you about the sheriff's decision not to reappoint</p> <p>25 Danny Carter?</p>	<p style="text-align: right;">64</p> <p>1 employment?</p> <p>2 A. I tried to inquire to Major Richardson why</p> <p>3 Sandhofer needed to be reporting to his office.</p> <p>4 Q. And what did Major Richardson say to you?</p> <p>5 A. Just: Bring him to the office this</p> <p>6 afternoon when he's done working.</p> <p>7 Q. And that's all that was said between the</p> <p>8 two of you?</p> <p>9 A. Yes.</p> <p>10 Q. Were there any subsequent decisions about</p> <p>11 why John Sandhofer was being terminated? I mean, were</p> <p>12 there any subsequent discussions between you and anyone</p> <p>13 about why John Sandhofer was not being reappointed?</p> <p>14 A. Just some of the immediate staff as to why.</p> <p>15 I didn't know why.</p> <p>16 Q. So you're saying people subordinate to you</p> <p>17 would come and inquire about why John Sandhofer --</p> <p>18 A. I discussed it with the supervisors, if</p> <p>19 they knew why. I did not know why.</p> <p>20 Q. So some supervisors would come and inquire</p> <p>21 of you, correct?</p> <p>22 A. Yes.</p> <p>23 Q. And they would inquire as to why John</p> <p>24 Sandhofer was not being reappointed? Correct?</p> <p>25 A. I didn't have any knowledge of the</p>
<p style="text-align: right;">63</p> <p>1 A. No.</p> <p>2 Q. Has Major Richardson ever made any comment</p> <p>3 to you about the sheriff's decision not to appoint</p> <p>4 David Dixon?</p> <p>5 A. No.</p> <p>6 Q. Has Major Richardson ever made any comment</p> <p>7 to you about the sheriff's decision not to reappoint</p> <p>8 Robert Carter -- Robert McCoy?</p> <p>9 A. No.</p> <p>10 Q. Has Major Richardson ever made any comment</p> <p>11 to you about the sheriff's decision not to reappoint</p> <p>12 John Sandhofer?</p> <p>13 A. Yes.</p> <p>14 Q. What comment has he made to you in that</p> <p>15 regard?</p> <p>16 A. That I need to bring him to his office at</p> <p>17 the end of the duty day.</p> <p>18 Q. Is that all he said?</p> <p>19 A. Yes.</p> <p>20 Q. What duty day was this?</p> <p>21 A. The day that Sandhofer was let go,</p> <p>22 terminated, or however his letter stated that he is no</p> <p>23 longer employed.</p> <p>24 Q. And did you have any discussions with</p> <p>25 anyone about the decision to terminate John Sandhofer's</p>	<p style="text-align: right;">65</p> <p>1 reappointment. It was just --</p> <p>2 Q. I understand. I'm just asking you about</p> <p>3 what they were asking you. I'm trying to break it</p> <p>4 down.</p> <p>5 A. I'm trying to answer the best I can. When</p> <p>6 someone is terminated, it's: Okay, why are you</p> <p>7 terminated? The decision for someone to be terminated</p> <p>8 was not given to me so, naturally, I am curious as to,</p> <p>9 okay, why is this person no longer working? What has</p> <p>10 he done?</p> <p>11 Q. Okay. Let me stop you right there. Who</p> <p>12 did you talk to in an effort to satisfy that curiosity?</p> <p>13 A. Lieutenant Harding.</p> <p>14 Q. Who else did you talk to?</p> <p>15 A. It may have been Sergeant Ford.</p> <p>16 Q. Who else did you talk to?</p> <p>17 A. I believe that was it.</p> <p>18 Q. And what did they say to you as a result of</p> <p>19 your discussion with them? What did they say to you?</p> <p>20 A. They didn't know.</p> <p>21 Q. Did you talk to anyone else in an effort to</p> <p>22 satisfy your curiosity as to why John Sandhofer was</p> <p>23 being terminated?</p> <p>24 A. I talked to John Sandhofer.</p> <p>25 Q. Did you think John Sandhofer was a pretty</p>

<p style="text-align: right;">66</p> <p>1 good deputy?</p> <p>2 MR. ROSEN: Object to the form of the</p> <p>3 question.</p> <p>4 You can answer it.</p> <p>5 A. I had no issues with Sandhofer.</p> <p>6</p> <p>7 BY MR. SHOEMAKER:</p> <p>8 Q. Did you think he was an above-average</p> <p>9 deputy?</p> <p>10 A. I thought --</p> <p>11 MR. ROSEN: Object to the form of the</p> <p>12 question.</p> <p>13 You can answer it.</p> <p>14 A. I thought he was -- he was new to our</p> <p>15 division. He -- I want to say he came over in</p> <p>16 February. And he was in training for his training</p> <p>17 period and he did a good job serving papers. That's</p> <p>18 what he was doing. He was serving civil process. I</p> <p>19 didn't have any issues with the work that he was doing</p> <p>20 on a daily basis.</p> <p>21</p> <p>22 BY MR. SHOEMAKER:</p> <p>23 Q. Did you talk to anyone else who said</p> <p>24 anything to you about why John Sandhofer was not being</p> <p>25 reappointed other than Lieutenant Harding, Sergeant</p>	<p style="text-align: right;">68</p> <p>1 (The reporter read the record.)</p> <p>2</p> <p>3 BY MR. SHOEMAKER:</p> <p>4 Q. Please answer that question to the best of</p> <p>5 your ability.</p> <p>6 A. I remember speaking to Lieutenant Harding</p> <p>7 and Sergeant Ford. That is the only two that I</p> <p>8 remember speaking with.</p> <p>9 Q. Have you ever seen any documents explaining</p> <p>10 why John Sandhofer was not reappointed?</p> <p>11 A. I seen the document that was handed to him</p> <p>12 in Major Richardson's office. I did not read it.</p> <p>13 Q. Handed to him. You mean handed to John</p> <p>14 Sandhofer?</p> <p>15 A. Yes.</p> <p>16 Q. And you never had a discussion with the</p> <p>17 sheriff about John Sandhofer or any of these other</p> <p>18 plaintiffs about why they were not reappointed?</p> <p>19 A. No.</p> <p>20 MR. ROSEN: Objection, asked and answered.</p> <p>21</p> <p>22 BY MR. SHOEMAKER:</p> <p>23 Q. Did any of these other -- I think John</p> <p>24 Sandhofer -- was he the only one of these plaintiffs</p> <p>25 that worked under your supervision in late 2009?</p>
<p style="text-align: right;">67</p> <p>1 Ford, and Major Richardson?</p> <p>2 MR. ROSEN: Objection, asked and answered</p> <p>3 for three times.</p> <p>4 Answer it again.</p> <p>5 And if you answer it in a -- if you ask in</p> <p>6 a louder voice doesn't mean you get a different answer.</p> <p>7 Go ahead.</p> <p>8 MR. SHOEMAKER: I'm not the one raising my</p> <p>9 voice. The record should reflect the only person that</p> <p>10 has raised his voice in this deposition is Jeff Rosen.</p> <p>11 I have never raised my voice.</p> <p>12 MR. ROSEN: That's not correct.</p> <p>13 MR. SHOEMAKER: I have a right to explore</p> <p>14 his memory.</p> <p>15 MR. ROSEN: If you don't like what the</p> <p>16 witness says, your voice goes up a notch.</p> <p>17 MR. SHOEMAKER: Well, I don't think that's</p> <p>18 true.</p> <p>19 MR. ROSEN: Okay.</p> <p>20 A. I remember speaking to --</p> <p>21 MR. ROSEN: Well, let's finish before you</p> <p>22 start answering? Okay?</p> <p>23 MR. SHOEMAKER: There is a question on the</p> <p>24 table. What was the question?</p> <p>25</p>	<p style="text-align: right;">69</p> <p>1 A. Yes.</p> <p>2 Q. And no one -- no senior officers came to</p> <p>3 seek your input as to whether or not John Sandhofer</p> <p>4 should be reappointed in late 2009 or any other time in</p> <p>5 2009?</p> <p>6 A. No.</p> <p>7 MR. ROSEN: Object to the form of the</p> <p>8 question.</p> <p>9 You can answer it.</p> <p>10</p> <p>11 BY MR. SHOEMAKER:</p> <p>12 Q. The answer is no?</p> <p>13 A. No.</p> <p>14 Q. Did anyone make any comments to you about</p> <p>15 why -- did any senior officers within the Hampton</p> <p>16 sheriff's office ever make any comments to you about</p> <p>17 why Debra Woodward was not reappointed?</p> <p>18 A. No.</p> <p>19 Q. Did you ever work with Debra Woodward?</p> <p>20 A. I didn't work with her except for in</p> <p>21 coordination of training. That's the only thing. She</p> <p>22 was a training coordinator, and she would coordinate</p> <p>23 the training. If I had questions or concerns in</p> <p>24 reference to training, I would talk to her about that.</p> <p>25 But other than that, I did not work with her.</p>

<p style="text-align: right;">70</p> <p>1 Q. Did you find her to be competent?</p> <p>2 MR. ROSEN: Object to the form of the</p> <p>3 question.</p> <p>4 You can answer it.</p> <p>5 A. Yes.</p> <p>6 MR. SHOEMAKER: I'm going to take a break.</p> <p>7 I'm going to review my notes. I'm probably going to</p> <p>8 have a few more questions, but I don't think there will</p> <p>9 be that many.</p> <p>10 I do want the record to reflect, only</p> <p>11 because I don't have a delivery receipt and mainly,</p> <p>12 Jeff, I know how I am, I delivered at the beginning of</p> <p>13 this deposition two letters to you, Jeff. One has to</p> <p>14 do with the status of your discovery responses and the</p> <p>15 other is a second request for production and second set</p> <p>16 of interrogatories.</p> <p>17 So I'm going to take a break now. I'm</p> <p>18 going to have a few more questions for you, and then</p> <p>19 we'll come back on the record here in about five or</p> <p>20 ten minutes. Okay?</p> <p>21 THE DEPONENT: Okay.</p> <p>22</p> <p>23 (Recess)</p> <p>24</p> <p>25</p>	<p style="text-align: right;">72</p> <p>1 that Wayne McCoy was on Jim Adams' Facebook -- campaign</p> <p>2 Facebook page?</p> <p>3 A. Yes.</p> <p>4 Q. And when did you learn about that?</p> <p>5 A. I believe it was the same time that</p> <p>6 Carter's...</p> <p>7 Q. Did you also learn that from Sergeant Ford?</p> <p>8 A. Yes.</p> <p>9 Q. Did you have -- ever have any discussions</p> <p>10 with anyone else about the fact that either Danny</p> <p>11 Carter or Wayne McCoy were on Jim Adams' campaign</p> <p>12 Facebook page?</p> <p>13 A. I believe it was Lieutenant Harding.</p> <p>14 Q. And what conversations -- what did you say</p> <p>15 to Lieutenant Harding?</p> <p>16 A. She was there, I believe, when Sergeant</p> <p>17 Ford had told me. We were together.</p> <p>18 Q. What did Lieutenant Harding have to say</p> <p>19 about it?</p> <p>20 A. Everyone was basically shocked that they</p> <p>21 would put a photo up on the website.</p> <p>22 Q. Why was everyone shocked about that?</p> <p>23 A. Basically, that they appeared not to be</p> <p>24 supporting the sheriff.</p> <p>25 Q. Did you think at the time -- did you know</p>
<p style="text-align: right;">71</p> <p>1 BY MR. SHOEMAKER:</p> <p>2 Q. Let's go back on the record.</p> <p>3 Did there ever come a time in 2009 when you</p> <p>4 learned that Danny Carter was on Jim Adams' Facebook</p> <p>5 page basically supporting Jim Adams for sheriff?</p> <p>6 A. Yes.</p> <p>7 Q. How did you learn about that?</p> <p>8 A. It was told to me by a -- one of the</p> <p>9 supervisors in the division.</p> <p>10 Q. Do you remember which supervisor in the</p> <p>11 division told you that?</p> <p>12 A. I want to say it was Sergeant Ford.</p> <p>13 Q. And did Ford have an opinion about that?</p> <p>14 A. Exactly what he said, I don't -- I don't</p> <p>15 remember exactly what he said, but it could be he was</p> <p>16 shocked, I guess.</p> <p>17 Q. And did you and Sergeant Ford have a</p> <p>18 discussion about this?</p> <p>19 A. Other than him telling me that he was --</p> <p>20 placed a photo or something on Facebook. And that he</p> <p>21 was shocked. And I was shocked as well.</p> <p>22 Q. That Danny Carter had put the photo on</p> <p>23 Facebook and that Ford --</p> <p>24 A. Someone did. His photo was on there.</p> <p>25 Q. And did there come a time when you learned</p>	<p style="text-align: right;">73</p> <p>1 at the time whether or not rank-and-file deputies had</p> <p>2 the right to support the sheriff's opponent?</p> <p>3 MR. ROSEN: Object to the form of the</p> <p>4 question to the extent it calls for a legal conclusion.</p> <p>5 You can answer that.</p> <p>6 A. Can you state that again?</p> <p>7</p> <p>8 BY MR. SHOEMAKER:</p> <p>9 Q. Did you know at the time or did you think</p> <p>10 at the time that rank-and-file deputies had the right</p> <p>11 to support Jim Adams for sheriff?</p> <p>12 A. Yes.</p> <p>13 Q. Did you think at the time that they had the</p> <p>14 right to do so publicly?</p> <p>15 A. Yes.</p> <p>16 Q. Did you have any discussions about this</p> <p>17 issue with anyone other than Sergeant Ford and</p> <p>18 Lieutenant Harding?</p> <p>19 A. That was it as far as I remember. Just</p> <p>20 those two.</p> <p>21 Q. Now, did there come a time when you learned</p> <p>22 that some photos of a cookout or a party had been</p> <p>23 placed on Facebook and that the photos were of an event</p> <p>24 that Jim Adams attended?</p> <p>25 A. Photos placed on where? Whose?</p>

<p style="text-align: right;">74</p> <p>1 Q. Placed online somewhere.</p> <p>2 A. Online?</p> <p>3 Q. Yeah.</p> <p>4 A. I remember a -- the rumors that there was a</p> <p>5 picnic. I don't -- I don't remember if I seen photos</p> <p>6 of it or not.</p> <p>7 Q. What do you remember hearing about this</p> <p>8 picnic?</p> <p>9 A. That there was -- it was a shift picnic</p> <p>10 from the corrections side of the house. And that a lot</p> <p>11 of the people was there, and I believe that Jim Adams</p> <p>12 showed up as well.</p> <p>13 Q. And this came to light in either late</p> <p>14 August or September of 2009?</p> <p>15 A. I don't remember the exact date.</p> <p>16 Q. Some time during the 2009 campaign?</p> <p>17 MR. ROSEN: Objection.</p> <p>18 You can answer it.</p> <p>19 A. I would say yes.</p> <p>20</p> <p>21 BY MR. SHOEMAKER:</p> <p>22 Q. And do you remember John Sandhofer being</p> <p>23 among the employees whose pictures were being shown at</p> <p>24 that cookout?</p> <p>25 A. I don't remember him. I just remember in</p>	<p style="text-align: right;">76</p> <p>1 Q. What did you do?</p> <p>2 A. I sold golf tournament tickets.</p> <p>3 Q. Anything else?</p> <p>4 A. I put up signs.</p> <p>5 Q. Anything else?</p> <p>6 A. And I assisted the polls.</p> <p>7 Q. And was there anything else?</p> <p>8 A. I attended a -- I don't know what -- it was</p> <p>9 a -- it was a function for the sheriff. I don't</p> <p>10 remember what it was called.</p> <p>11 Q. Was it at someone's home?</p> <p>12 A. Yes.</p> <p>13 Q. Was this the one at the mayor's home?</p> <p>14 A. Yes.</p> <p>15 Q. Did you attend any other events?</p> <p>16 A. I attended one or two debates.</p> <p>17 Q. Did you attend any other events?</p> <p>18 A. Just the golf tournament.</p> <p>19 Q. Did you ever see John Sandhofer at either</p> <p>20 of those debates?</p> <p>21 A. I don't remember seeing him there, no.</p> <p>22 Q. Do you remember John Sandhofer dating a</p> <p>23 girl named Jennifer Strube (phonetic) in the fall of</p> <p>24 2009?</p> <p>25 A. No.</p>
<p style="text-align: right;">75</p> <p>1 general that there was a cookout with some photos and</p> <p>2 that Jim Adams appeared.</p> <p>3 Q. Did you have any discussions about these</p> <p>4 photos or this cookout with anyone?</p> <p>5 A. I don't remember discussing that, no.</p> <p>6 Q. Do you remember hearing anyone else discuss</p> <p>7 it?</p> <p>8 A. I don't remember anyone else saying. That</p> <p>9 was a correctional function. It didn't involve the</p> <p>10 courts division.</p> <p>11 Q. Did you know in the fall of 2009 whether or</p> <p>12 not John Sandhofer supported the sheriff or not?</p> <p>13 A. I thought that he did.</p> <p>14 Q. Did there ever come a time in 2009 when you</p> <p>15 learned that he did not?</p> <p>16 A. No.</p> <p>17 Q. Did you serve on any committee whose</p> <p>18 mission it was to support the sheriff's reelection</p> <p>19 effort in 2009?</p> <p>20 A. On a committee?</p> <p>21 Q. Yeah.</p> <p>22 A. No.</p> <p>23 Q. Did you do any work in support of the</p> <p>24 sheriff's reelection effort in 2009?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">77</p> <p>1 Q. Do you remember his -- who he was dating at</p> <p>2 all in the fall of 2009?</p> <p>3 A. No.</p> <p>4 Q. Do you know if any senior officers within</p> <p>5 the Hampton sheriff's office made an effort to</p> <p>6 determine who had attended that cookout we were</p> <p>7 discussing just a few minutes ago in 2009?</p> <p>8 A. I don't have any knowledge of it.</p> <p>9 Q. Did anyone ever come to you and ask you</p> <p>10 what you knew about that cookout?</p> <p>11 A. No.</p> <p>12 Q. Have you ever spoken to a group of</p> <p>13 sheriff's office employees in support of the sheriff's</p> <p>14 reelection efforts?</p> <p>15 A. In a group like in a meeting or...?</p> <p>16 Q. Yeah. Have you ever spoken to a group of</p> <p>17 two or more Hampton sheriff's office employees on an</p> <p>18 occasion, the purpose of which was to speak in support</p> <p>19 of the sheriff's reelection effort?</p> <p>20 A. I would say probably yes.</p> <p>21 Q. How many times can you remember doing that?</p> <p>22 A. It was -- it had to be random at best.</p> <p>23 Q. Would you do this at work?</p> <p>24 A. At work, after -- it -- it -- I don't</p> <p>25 remember the time when it was. I remember speaking,</p>

<p style="text-align: right;">78</p> <p>1 just asking, you know, pretty much during the election 2 campaign, you know, to support the sheriff. And if you 3 can't support the sheriff, then just be neutral. 4 Q. And you'd do this sometimes at work and 5 sometimes after work? 6 MR. ROSEN: Objection to the form of the 7 question. Mischaracterizes testimony. 8 You can answer. 9 A. I don't remember exactly when it was. It 10 could be possibly either way, at work or after, 11 depending upon what the circumstance was. 12 13 BY MR. SHOEMAKER: 14 Q. So that I understand your question -- your 15 answer, your answer is that these talks that we've just 16 discussed could have occurred either at work or after 17 work. Is that fair? 18 A. That's fair. 19 Q. Did any of your seniors ever say to you or 20 a group that you were part of within the Hampton 21 sheriff's office, you know: I hope you can support the 22 sheriff but if you can't, you know, I want you to stay 23 neutral? 24 A. Seniors for me, no. 25 Q. How about the sheriff himself? Did the</p>	<p style="text-align: right;">80</p> <p>1 A. This morning. 2 Q. And what did you and Deputy Youngblood 3 speak about? 4 A. That I was not going to be here. I was 5 scheduled to teach CPR and first-aid and I was not 6 going to be here. I had to go to a deposition today. 7 Q. And that's the extent of your conversation 8 with Deputy Youngblood? 9 A. Yes. 10 Q. And I'm sorry. Who else was it you said 11 you talked to? 12 A. Lieutenant Harper. Same. 13 Q. The only conversation you had with 14 Lieutenant Harper was about the scheduling of this 15 deposition? 16 A. Yes. 17 Q. Do you ever remember hearing about an 18 incident regarding David Dixon at the polls in November 19 of 2009? 20 A. No. 21 Q. Did you ever remember hearing about an 22 incident between David Dixon and Frances Pope? 23 A. I don't remember hearing anything between 24 those two. 25 Q. I want to ask you a hypothetical question.</p>
<p style="text-align: right;">79</p> <p>1 sheriff -- did you ever hear the sheriff himself say 2 that? 3 A. He probably said that at the meeting. 4 Something to that effect. 5 Q. Have you ever spoken to the sheriff about 6 this case outside the presence of Mr. Rosen? 7 A. No. 8 Q. Have you ever spoken about this case to any 9 other sheriff's office employee? Other than what 10 you've told me already here today. 11 A. In reference to questions and...? 12 Q. About this case at all. Have you spoken 13 with any other employees about this case at all? 14 A. Just about having to be present for a 15 deposition on this date. 16 Q. Who have you spoken to about that? 17 A. My major. 18 Q. And that is? Is that Major Richardson 19 or -- 20 A. Wells-Major. 21 Q. All right. 22 A. And Deputy Youngblood. And Lieutenant 23 Harper. 24 Q. When did you speak with Deputy Youngblood 25 about this case?</p>	<p style="text-align: right;">81</p> <p>1 If a sheriff's office employee off duty, away from any 2 location related to work, were to say to another 3 sheriff's office employee who was holding a piece of 4 paper, quote, "You can throw that fucking shit away," 5 end quote, would the speaker, the sheriff's office 6 employee, be subject to discipline within the Hampton 7 sheriff's office? 8 MR. ROSEN: Objection, calls for 9 speculation. Improper hypothetical. Mischaracterizes 10 the evidence. 11 You can answer. 12 A. I can't say that they would be subject to 13 discipline or they wouldn't. 14 15 BY MR. SHOEMAKER: 16 Q. All right. Have you ever heard of a 17 Hampton sheriff's office employee being subjected to 18 discipline arising from an incident like that? 19 A. I don't remember any incidents like that. 20 Q. Captain, thank you very much for your time 21 this morning. I appreciate it. That's all I've got. 22 23 BY MR. ROSEN: 24 Q. I have a few follow-up questions, Captain. 25 You were asked concerning your knowledge of</p>

<p style="text-align: right;">82</p> <p>1 various employees and I wanted to ask you a couple of</p> <p>2 things. Do you have any information concerning job</p> <p>3 performance in the past while working for the Sheriff's</p> <p>4 Department of Bobby Bland?</p> <p>5 A. No.</p> <p>6 Q. How about Daniel Ray Carter? Are you aware</p> <p>7 -- you mentioned an incident in which he left a gun in</p> <p>8 a vehicle. What do you know about that?</p> <p>9 A. That was a gun that belonged to him.</p> <p>10 Sergeant Ford is the one that left the weapon in the</p> <p>11 vehicle. Deputy Carter's gun came up missing and was</p> <p>12 found on the interstate, if that's the right incident.</p> <p>13 Q. So he lost his gun?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know if he was disciplined for that?</p> <p>16 A. I don't recall any disciplinary action on</p> <p>17 that.</p> <p>18 Q. Are you aware of any other job performance</p> <p>19 issues Danny Carter had while employed by the Sheriff's</p> <p>20 Department?</p> <p>21 A. I read this incident here (indicating).</p> <p>22 Q. So the one you're referring to is the</p> <p>23 June 8th, 2005, incident which was marked Plaintiff's</p> <p>24 No. 15. Was that an incident he was involved in?</p> <p>25 A. Yes, I believe he was.</p>	<p style="text-align: right;">84</p> <p>1 Q. Was he ever disciplined for that?</p> <p>2 A. No.</p> <p>3 Q. Going back to Daniel Ray Carter, does his</p> <p>4 wife work for the Sheriff's Department, too?</p> <p>5 A. Yes, she does.</p> <p>6 Q. Was she reappointed after the 2009</p> <p>7 election?</p> <p>8 A. Yes.</p> <p>9 Q. Do you know whether her picture was posted</p> <p>10 on Facebook along with her husband's?</p> <p>11 A. I think that she was on there with her</p> <p>12 husband. Both of them together.</p> <p>13 Q. But she was reappointed?</p> <p>14 A. She was reappointed.</p> <p>15 Q. Is it fair to say you don't know why the</p> <p>16 sheriff did not reappoint the deputies he did not</p> <p>17 reappoint in 2009?</p> <p>18 A. That's fair.</p> <p>19 Q. Going on to Robert McCoy, did you have any</p> <p>20 performance issues with Robert McCoy?</p> <p>21 A. Yes, McCoy had -- he was confrontational</p> <p>22 and he was written up at least on one occasion, maybe</p> <p>23 two occasions, when he worked with me in the civil</p> <p>24 division.</p> <p>25 Q. Confrontation with other employees, you</p>
<p style="text-align: right;">83</p> <p>1 Q. Were you aware of that prior to being shown</p> <p>2 that document by Mr. Shoemaker?</p> <p>3 A. I don't remember that incident.</p> <p>4 Q. Okay. But you said you're aware of it now?</p> <p>5 A. I'm aware of it now, yes.</p> <p>6 Q. Any other job performance incidents or</p> <p>7 performance issues that you're aware of with Danny</p> <p>8 Carter while he was employed with the Sheriff's</p> <p>9 Department?</p> <p>10 A. Not for Danny Carter, no.</p> <p>11 Q. How about David Dixon? What about him?</p> <p>12 A. Nothing in reference to Dixon that required</p> <p>13 any disciplinary action.</p> <p>14 Q. But any other issues, performance issues or</p> <p>15 problems?</p> <p>16 A. Performance issues, he had no performance</p> <p>17 issues. He did a good job while he was working with me</p> <p>18 in the civil division.</p> <p>19 Q. Okay.</p> <p>20 A. He was outspoken.</p> <p>21 Q. What do you mean by that?</p> <p>22 A. He just said what was on his mind. It may</p> <p>23 be if they was in a -- in the office setting or</p> <p>24 something like that, he would tell jokes or something</p> <p>25 like that. And he was outspoken about what he said.</p>	<p style="text-align: right;">85</p> <p>1 mean?</p> <p>2 A. Yes.</p> <p>3 Q. Was he difficult to get along with?</p> <p>4 A. Yes.</p> <p>5 Q. Were there complaints made about him,</p> <p>6 against him, by people who he served process on, if you</p> <p>7 know?</p> <p>8 A. More -- I would say that could be a fair</p> <p>9 statement, but it was more so with employees.</p> <p>10 Q. Was he a little weird in his demeanor?</p> <p>11 A. Depending on what you mean by weird.</p> <p>12 Q. Well, you explain his demeanor to me.</p> <p>13 A. He -- weird, he's a little -- he's always</p> <p>14 telling some type of corny jokes and, you know, he --</p> <p>15 he would be perfectly fine one day and the next day he</p> <p>16 would come in and he's like on the warpath for no</p> <p>17 reason.</p> <p>18 Q. So mood swings?</p> <p>19 A. Mood swings, yes. Very moody person.</p> <p>20 Q. Now, as far as any of these employees, were</p> <p>21 you aware whether any of these plaintiffs, Bland,</p> <p>22 Carter, Dixon, McCoy, Sandhofer, Woodward, supported</p> <p>23 Sheriff Roberts during the election?</p> <p>24 A. I thought they all did. I didn't know</p> <p>25 until I -- till I started seeing pictures contrary to</p>

<p style="text-align: right;">86</p> <p>1 that and I seen the picture of McCoy and the picture of 2 Carter. 3 Q. Okay. Well, just because the picture was 4 on the Adams' Facebook page doesn't necessarily mean 5 they didn't support Roberts, does it? 6 MR. SHOEMAKER: Object to the form of the 7 question. 8 9 BY MR. ROSEN: 10 Q. Answer it. 11 A. I guess it doesn't necessarily mean, but it 12 appears that they did. 13 Q. In fact, you said you went to a meeting at 14 the mayor's house which was a fundraiser for Sheriff 15 Roberts; is that right? 16 A. Yes. 17 Q. Was Sandhofer there as well? 18 A. I don't remember seeing Sandhofer. He may 19 have been there. I don't -- I don't remember seeing 20 him. I didn't pal around with him. 21 Q. Okay. Did you ever hear anyone in the 22 Sheriff's Department, in the administrative staff ever 23 tell any of the employees if they did not support 24 Sheriff Roberts, they would be terminated? 25 A. No.</p>	<p style="text-align: right;">88</p> <p>1 Q. That's all I have. Thank you. 2 MR. ROSEN: We'll read. 3 4 (Signature not waived.) 5 6 (Whereupon, the deposition was 7 concluded at 12:26 p.m.) 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">87</p> <p>1 Q. Did you ever hear any one of the senior 2 staff threaten any of the deputies if they did not sell 3 tickets to the barbecue they would not be reappointed? 4 A. No. 5 Q. Did you ever hear any threats whatsoever, 6 hear or make any yourself, to any of the sheriff's 7 deputies that if they were not absolutely loyal to the 8 sheriff or support him in his reelection efforts, they 9 would not be reappointed? 10 A. No. 11 Q. Answer any of counsel's questions in 12 follow-up. 13 14 BY MR. SHOEMAKER: 15 Q. Are you certain it was Danny Carter who 16 lost the gun? 17 A. I am fairly certain. 18 Q. Why -- why -- if someone leaves a gun on 19 the side of the interstate, why are they not 20 disciplined? 21 A. If I remember the incident particularly, 22 the gun was reported stolen. And it was found. It 23 wasn't left on the side of the interstate. 24 Q. So Carter reported the gun as being stolen? 25 A. I think that's the incident, yes.</p>	<p style="text-align: right;">89</p> <p>1 DEPOSITION ERRATA SHEET 2 3 Case Caption: Bland, et al. v. Roberts 4 Deponent: Robert McGee 5 Deposition Date: October 11, 2011 6 7 I have read the entire transcript of my deposition 8 taken in the captioned matter or the same has been read 9 to me. I request that the following changes be entered 10 upon the record for the reasons indicated. I have 11 signed my name to the Errata Sheet and the appropriate 12 Certificate and request both to be attached to the 13 original transcript. 14 15 Page/Line Nos. Correction/Reason 16 17 18 19 20 21 22 23 24 Signature: _____ Date: _____ 25 Robert McGee</p>

90

1 CERTIFICATE OF DEPONENT
 2 COMMONWEALTH OF VIRGINIA
 3 CITY OF _____
 4
 5

6 Before me, this day, personally appeared Robert
 7 McGee, who, being duly sworn, states that the foregoing
 8 transcript of this deposition, taken in the matter, on
 9 the date and at the place set out on the title page
 10 hereof, constitutes a true and complete transcript of
 11 said deposition.
 12

13 _____
 14 Robert McGee
 15

16 SUBSCRIBED and SWORN to before me this _____
 17 day of _____, 2011, in the jurisdiction
 18 aforesaid.
 19
 20

21 _____
 22 My Commission Expires Notary Public
 23
 24
 25

91

1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:
 2 I, Juanita Harris Schar, RMR, CCR, CRR, a
 3 Notary Public for the Commonwealth of Virginia at large,
 4 of qualification in the Circuit Court of the City of
 5 Virginia Beach, Virginia, and whose commission expires
 6 April 30, 2014, do hereby certify that the within named
 7 deponent, ROBERT McGEE, appeared before me at Virginia
 8 Beach, Virginia, as hereinbefore set forth, and after
 9 being first duly sworn by me, was thereupon examined
 10 upon his oath by counsel for the respective parties;
 11 that such examination was recorded in Stenotype by me
 12 and reduced to computer printout under my direction; and
 13 that the foregoing constitutes a true, accurate, and
 14 complete transcript of such examination to the best of
 15 my ability.
 16

17 I further certify that I am not related to
 18 nor otherwise associated with any counsel or party to
 19 this proceeding, nor otherwise interested in the event
 20 thereof.
 21

22 Given under my hand and notarial seal this
 23 25th day of October, 2011, at Virginia Beach, Virginia.
 24
 25

16 _____
 17 Notary Public

18 Certified Court Reporter No. 0313085
 19
 20
 21
 22
 23
 24
 25

24 (Pages 90 to 91)